



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

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

**To:** Mayor Mills and Members of Council

**From:** **Steve Wever, Town Planner**

**Report:** P2021-16

**Subject:** **Application for Zoning By-law  
Amendment Z21/02  
Jason Higgins  
242 Main Street East, Shelburne**

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## Recommendation

Be it resolved that Council receive Report P2021-16 as information.

Be it resolved that, subject to the consideration of any input received at the public meeting, and further subject to Council's consideration of uncommitted servicing reserves and allocation matters as presented to Council, which may impact the availability of reserve servicing capacity for an additional residential unit on the subject property, that By-law 28-2021, being a by-law to amend Zoning By-law 38-2007, as amended, by rezoning the lands known municipally as 242 Main Street East and described legally as All of Lot 8, Part of Lot 7, Block 10, Plan 6A, in the Town of Shelburne, County of Dufferin, from Mixed Use Commercial (C2) Zone to Mixed Use Commercial Exception Seven (C2-7) as shown on Schedule "A1" to the By-law, be read a first, second, and third time and finally passed.

## Background

An application for a Zoning By-law Amendment has been submitted by Jason Higgins, the owner of the property located at 242 Main Street East. The purpose and effect of the application is to rezone the property from Mixed Use Commercial (C2) Zone to Mixed Use Commercial Exception Seven (C2-7) to allow for an accessory building to be used for human habitation.

## Analysis

The subject property is municipally known as 242 Main Street East and described legally as All of Lot 8, Part of Lot 7, Block 10, Plan 6A, in the Town of Shelburne, County of Dufferin. The property currently contains a 2.5-storey single detached dwelling and detached garage. A through driveway provides access from Main Street East and the rear lane.

The property is located near the intersection of Main Street East and James Street North and is 675 square metres in area. The property is designated 'Downtown Mixed use (Downtown Core)' in the Official Plan and is located within the built boundary. It is currently zoned Mixed Use Commercial (C2).

### Proposed Development

The applicant is seeking to re-zone the property from Mixed Use Commercial (C2) Zone to Mixed Use Commercial Exception Seven (C2-7). The application is proposing site-specific provisions to recognize the existing accessory building lot coverage (11.2%), the existing garage footprint (76 square metres), the existing setback from the detached garage to the rear lane (0.6m), existing height of the private garage (6.31m) and to allow for an accessory building to be used for human habitation whereas the Zoning By-law prohibits this use, to allow for one (1) dwelling unit within an accessory building whereas the Zoning By-law does not permit a dwelling unit in a private garage, and to allow for two (2) dwelling units on one lot.

The following table summarizes the requested site-specific provisions:

<b>Regulations</b>	<b>C2 (R2 regulations as per Section 4.7.2.ix))</b>	<b>3.2 Accessory Buildings, Structures and Uses</b>	<b>Proposed C2-7</b>
Min. Lot Area	464.0 m <sup>2</sup>	n/a	657.0 m <sup>2</sup>
Min. Lot Frontage		n/a	
• Interior Lot	15.0 m		15.1 m
Min. Setback from a public street	n/a	6.0 m	>6 m
Min. Interior Side Yard	n/a	1.2 m	1.2 m
Min. Rear Setback to a Lane	n/a	1.2 m	0.6 m
Maximum Accessory Building Coverage (Private Garage)	n/a	10%	11.2%
Maximum Accessory Building Floor Area	n/a	75 m <sup>2</sup>	76 m <sup>2</sup>
Maximum Building Height	n/a	4.6 m	6.31 m
Parking	1 space per unit, not in required front yard	n/a	2 spaces within the detached garage
Location of dwelling units	Not permitted in an accessory building	n/a	One (1) dwelling unit in an accessory building
Number of dwelling units on one lot	1 dwelling unit	n/a	2 dwelling units

 Proposed Site-Specific Provisions

Provincial Policy Statement (PPS)

The proposal is supported by the following PPS policies:

- Promoting efficient development and land use patterns (s. 1.1.1 a);
- Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons) (s. 1.1.1 b);
- Promote cost-effective development patterns to minimize land consumption and servicing costs (s. 1.1.1.e);
- Settlement areas shall be the focus of growth and development (s. 1.1.3.1);
- Within settlement areas, sufficient land shall be made available through intensification and redevelopment (s.1.1.2)
- Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources; are appropriate for, and efficiently use available infrastructure and avoid the

need for uneconomical expansion; support active transportation (s. 1.1.3.2);

- Planning authorities shall promote opportunities for intensification and redevelopment where suitable existing infrastructure is available to accommodate projected needs (s. 1.1.3.3);
- Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form (s. 1.1.3.4);
- Maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands designated and available for residential development, and land with servicing capacity sufficient to provide at least a 3-year supply of residential units through lands suitably zoned to facilitate intensification and redevelopment (s. 1.4.1);
- Provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area, by permitting and facilitating all housing options required to meet social, health and well-being requirements of current and future residents, all types of residential intensification including additional residential units, and directing new housing towards locations where adequate infrastructure and public service facilities are provided (s. 1.4.3 b, c);
- Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form; and
- Planning authorities may allow lot creation only if there is confirmation of sufficient reserve sewage system capacity and reserve water system capacity within municipal services (s. 1.6.6.6).

### Growth Plan for the Greater Golden Horseshoe

The proposal is supported by the following Growth Plan policies:

- Focusing growth and development within the delineated built-up area (s. 2.2.1.2 c);
- To provide a diverse range and mix of housing including additional residential units and affordable housing to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes (s. 2.2.1.4 c); and
- Encourage intensification generally throughout the delineated built-up area (s. 2.2.2.3 c) and ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities (s. 2.2.2.3 d).

## County of Dufferin Official Plan

The proposal is supported by the following County of Dufferin Official Plan policies:

- Encourage intensification within the existing built boundary/built up area wherever feasible and appropriate (s. 3.4.2 a);
- Encourage intensification within the urban settlement area that is of an appropriate scale and character and subject to other policies of the County Official Plan, including the availability of servicing, and the protection of existing stable neighbourhoods (s.3.4.2 b);
- Intensification will include: infill residential development and new residential development of vacant land or underutilized land within the built-up area (s.3.4.2 (c) ii);
- Urban settlement areas will have municipal sewage, water and appropriate stormwater services and provide a range of land uses and densities, and a mix of housing types (s.3.3.2 c); and
- Local municipalities are encouraged to promote intensification, infill and redevelopment of vacant/underutilized sites (s.3.3.2 e).

## Town of Shelburne Official Plan

In the Official Plan, the property is within an area designated “Mixed Use” and “Downtown Mixed Use” within the built boundary and is subject to Section 4.4 of the Plan including the following objectives, uses and criteria:

- To provide for a mix of land uses in the Downtown Mixed Use areas as a transitional area between the Commercial Core and the outlying residential neighbourhoods (s. 4.4.2 a);
- To direct new mixed use development in a manner that contributes to providing a range of services, housing and employment opportunities to the community (s. 4.4.2 b);
- The primary permitted uses include the conversion and/or redevelopment of existing properties to provide opportunities for residential intensification and redevelopment, and existing residential uses shall be permitted and new residential development shall be permitted in accordance with the Zoning By-law (s. 4.4.3.1).

The application proposes a minor intensification of the existing use of the site via an additional residential unit in the existing detached garage, in keeping with the Official Plan objectives and policies for intensification in the Downtown Mixed Use area.

The existing private garage at 242 Main Street has a main floor area of approximately 102 square metres (1,097 square feet) and approximately the same floor area on the second floor. The second floor is of sufficient size to permit 1 additional dwelling unit. The applicant proposes to redevelop the

second floor of the existing building for a dwelling unit and will be required to ensure that the new dwelling unit complies with applicable codes and standards for residential occupancy.

The subject property is located within Stage 1 for servicing and is connected to existing municipal water and sanitary sewer services. Although it is expected that the additional residential unit will have a minor impact on servicing, given the limited remaining uncommitted reserve servicing capacity in the WPCP, it is recommended that this application be considered in conjunction with the recommendations of the servicing report to be presented at the May 31<sup>st</sup> Council meeting to determine the availability of reserve servicing capacity for this type of intensification within the Stage 1 area.

### Financial Impact

The Development Charges Act provides that up to 1 additional residential unit may be added within a residential ancillary building without requiring the payment of development charges. The property owner is responsible for all costs associated with obtaining approvals to permit construction of the units.

### 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 preparing this report.

### Council Strategic Priorities

Council's Strategic Priorities has three Goals - Sustainable, Engaged and Livable. There are a total of 12 targets with the three Goals.

This report aligns with the Sustainable Goals within the Targets:

Target T4                      Promote balanced growth

### Supporting Documentation

Site plan  
Floor plans and elevation drawings  
Circulation comments

Prepared by:

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Jenna Daum, Planner

Reviewed by:

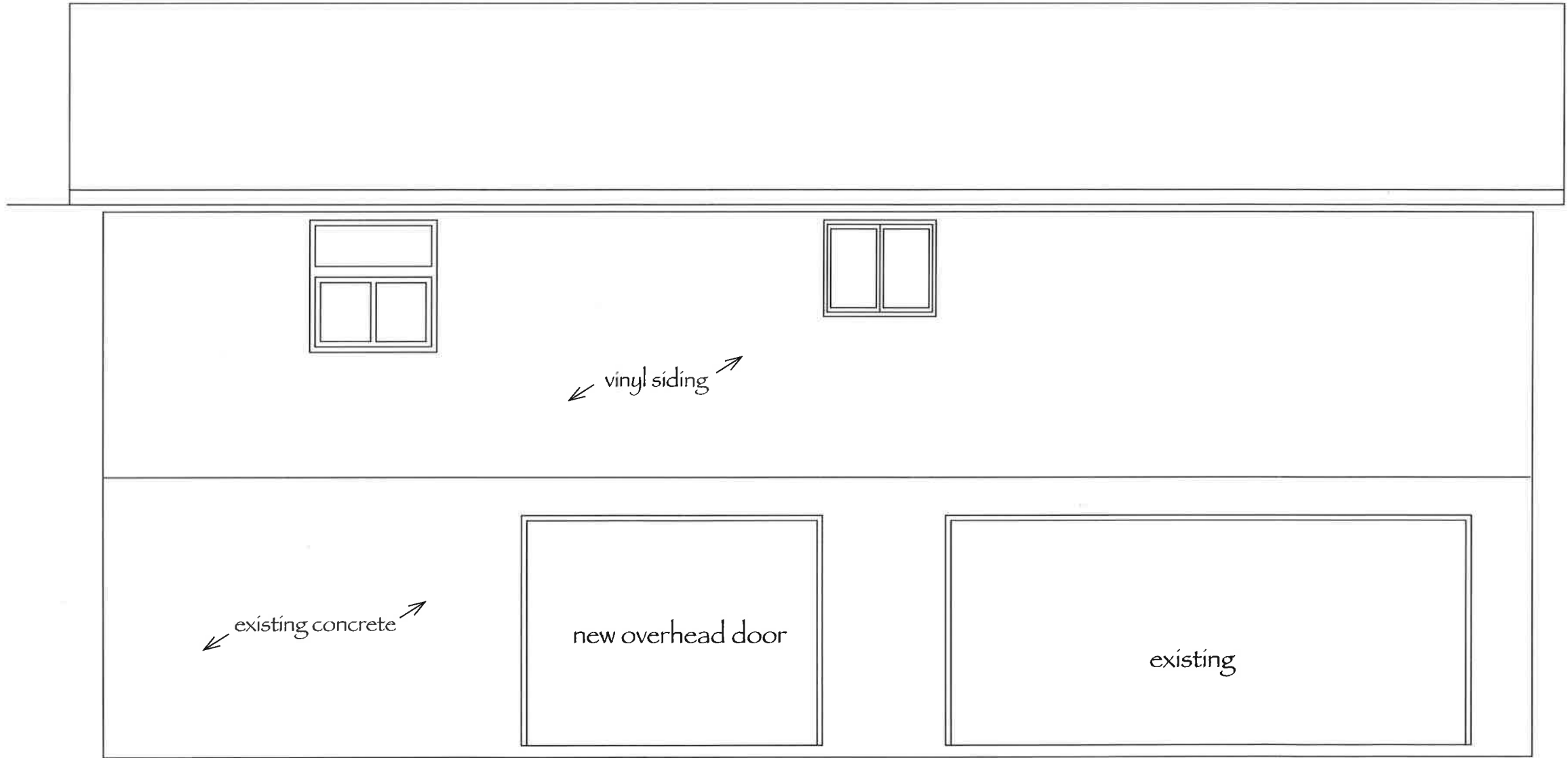
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Steve Wever, Town Planner

Reviewed by:

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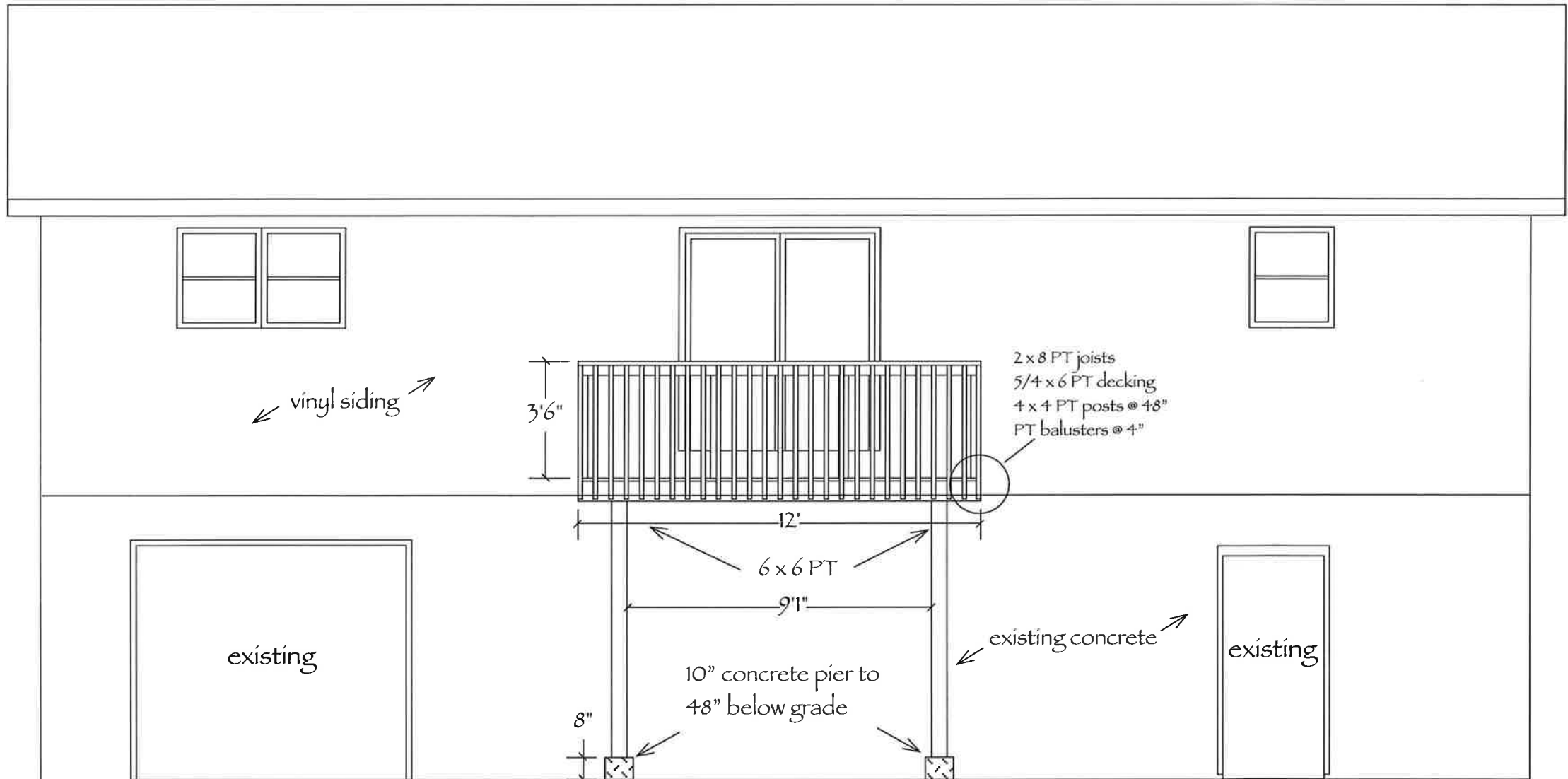
Denyse Morrissey, CAO



North Elevation

242 Main Street E Shelburne	
Elevations	Scale: 1/4" = 1 ft





vinyl siding ↗

3'6"

2 x 8 PT joists  
5/4 x 6 PT decking  
4 x 4 PT posts @ 48"  
PT balusters @ 4"

12'

6 x 6 PT

9'1"

existing concrete ↗

existing

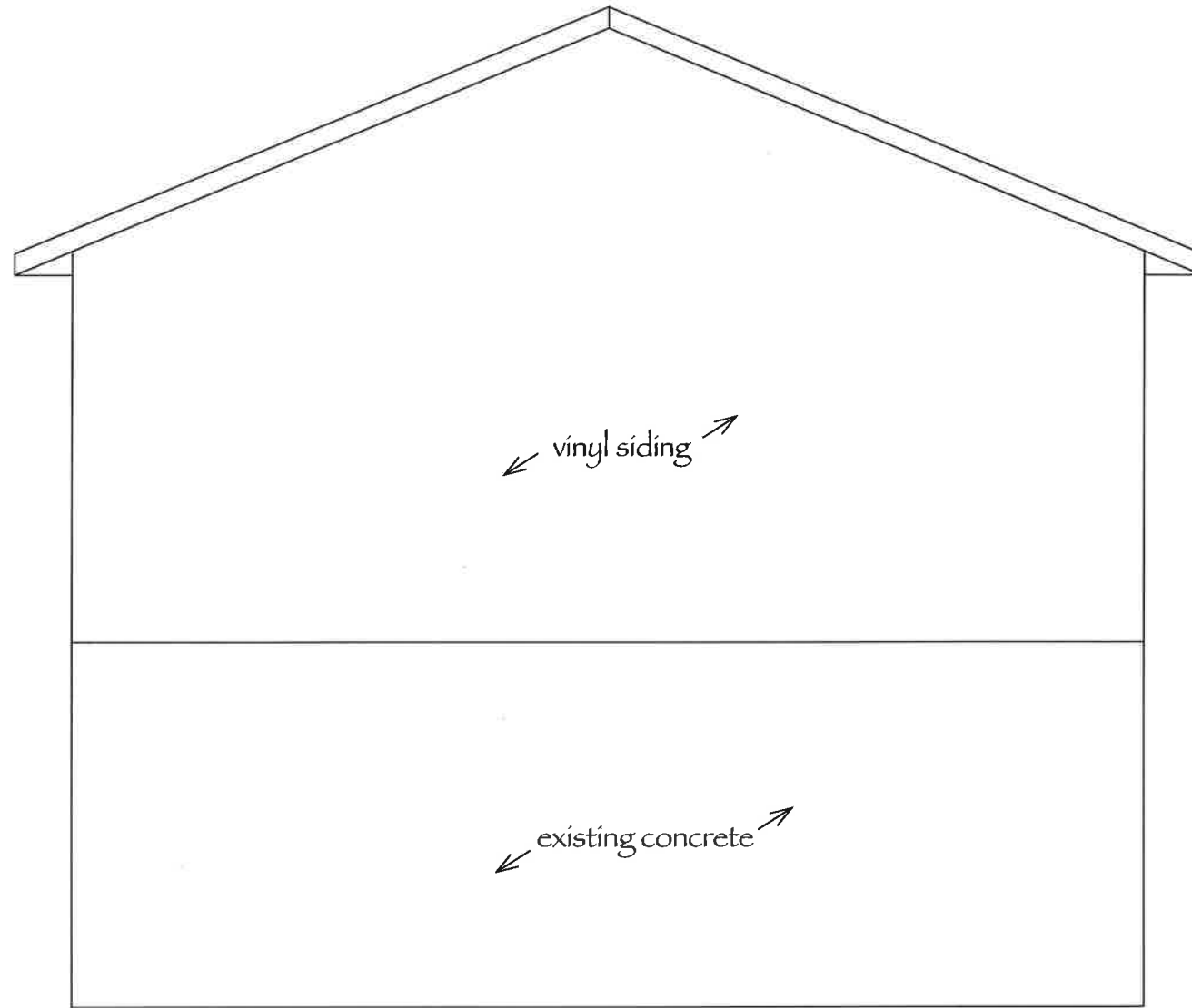
existing

10" concrete pier to  
48" below grade

8"

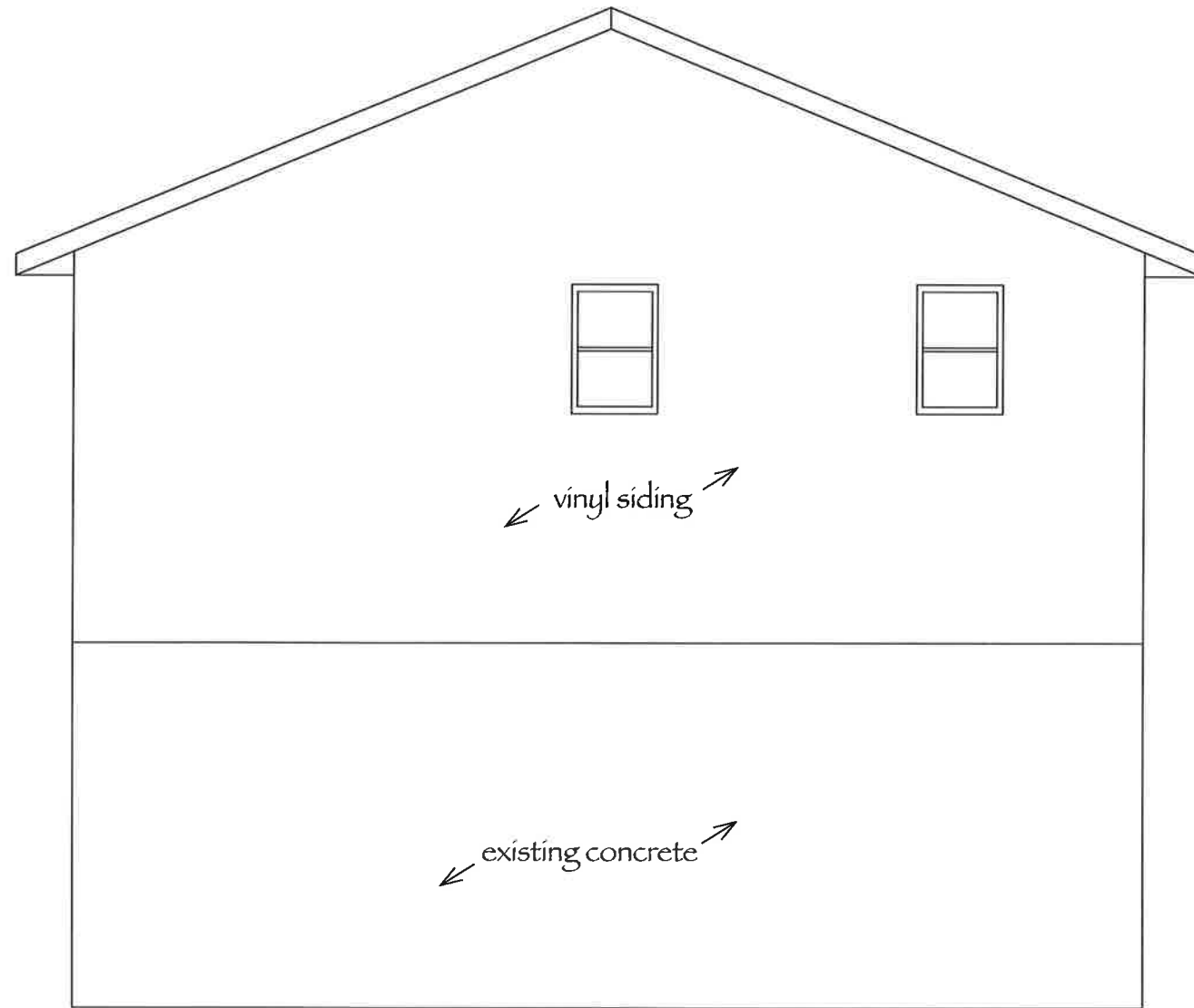
### South Elevation

242 Main Street E Shelburne	
Elevations	Scale: 1/4" = 1 ft



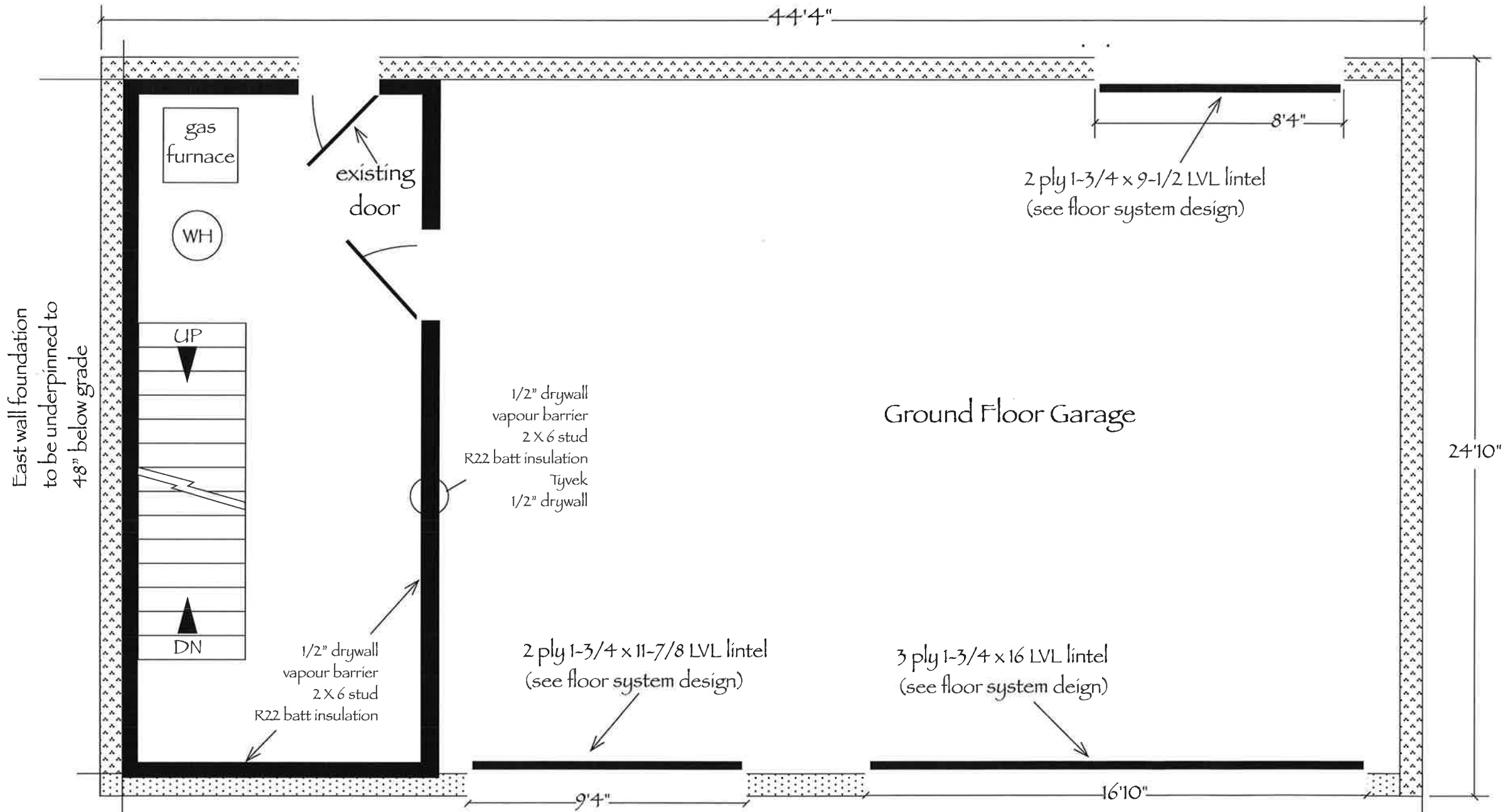
East Elevation

242 Main Street E Shelburne	
Elevations	Scale: 1/4" = 1 ft

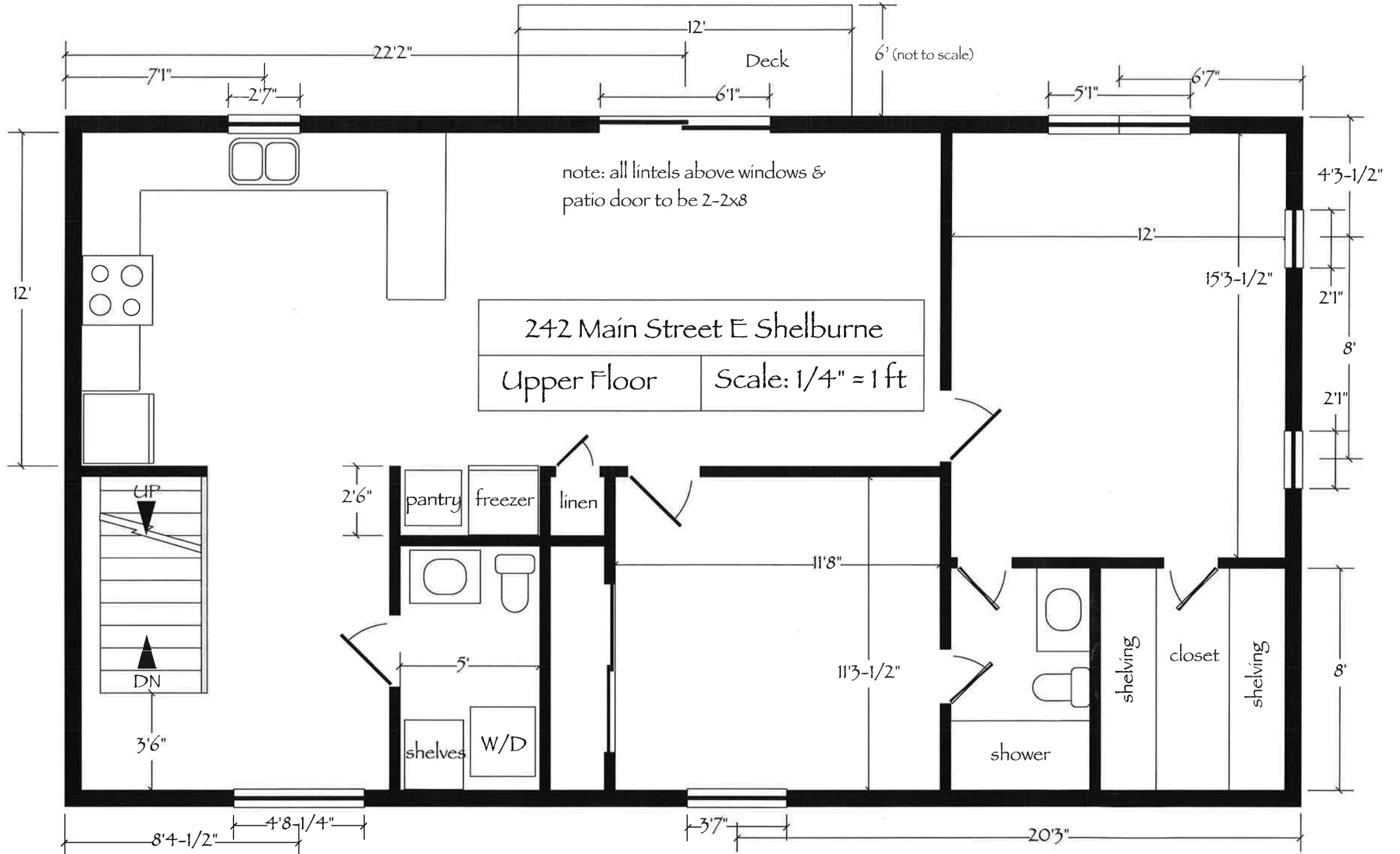


West Elevation

242 Main Street E Shelburne	
Elevations	Scale: 1/4" = 1 ft



242 Main Street E Shelburne	
Ground Floor	Scale: 1/4" = 1 ft



PLAN OF SURVEY BY  
P.J. WILLIAMS, O.L.S.  
DATED JUNE 23, 1986

PLAN OF SURVEY BY  
L. THOMSON, O.L.S.  
DATED JULY 30, 1965

LOT 2  
LOT 3

19.80'

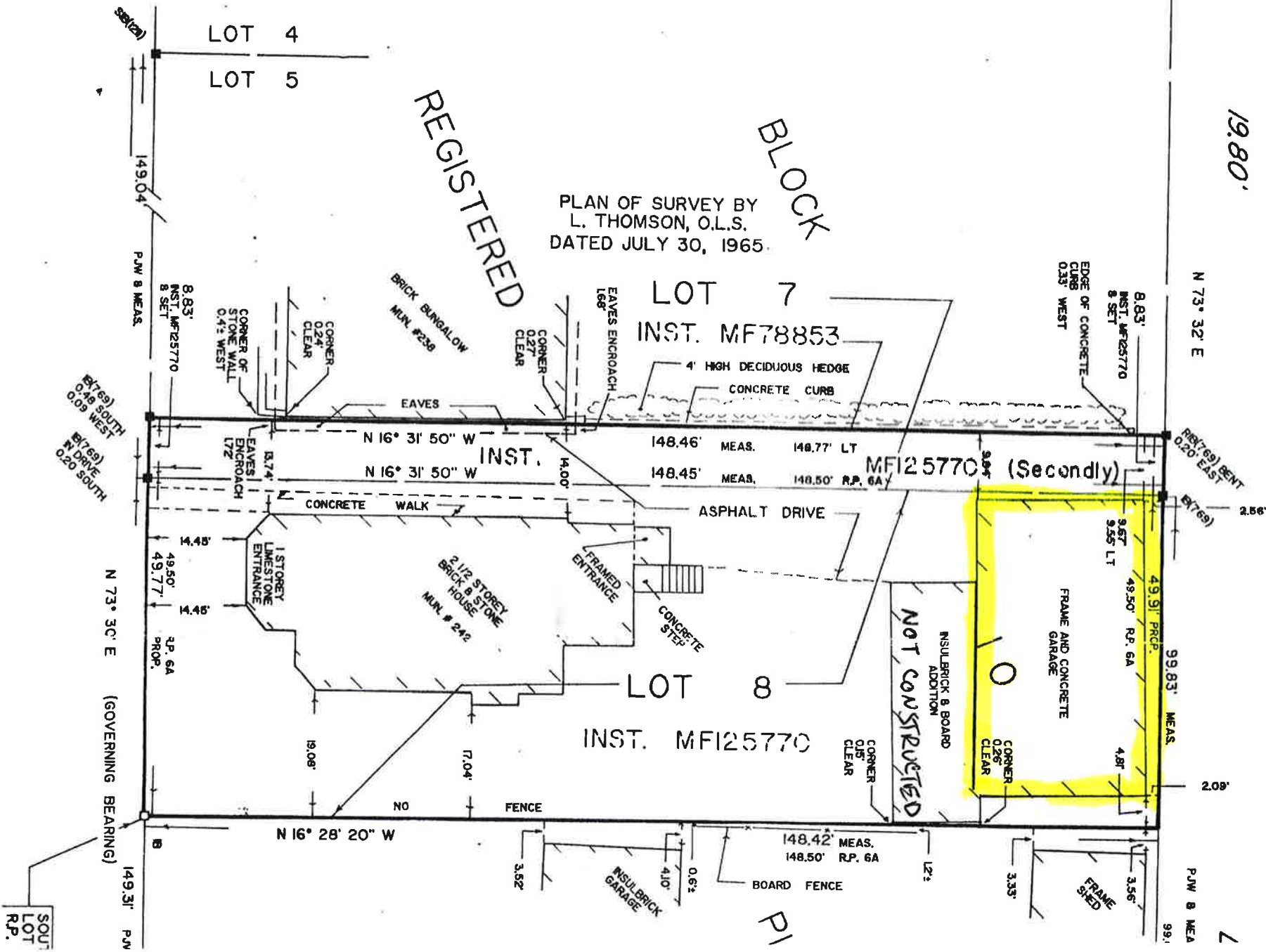
LOT 4  
LOT 5

REGISTERED  
BLOCK

LOT 7  
INST. MF78853

INST. MF125770 (Secondly)

LOT 8  
INST. MF125770



N 73° 32' E

RIB(169) BENT  
0.20' EAST  
E(1769)

2.56'

99.83' MEAS.

2.08'

P.W. & MEA  
99.1'

SOUTH  
LOT  
R.P.

N 73° 30' E  
(GOVERNING BEARING)

N 16° 28' 20" W

RIP



# TOWN OF SHELBURNE

## PLANNING & DEVELOPMENT

### Zoning By-law Amendment Circulation Response Form

**Files:** Z21/02

**Project:** Application for Zoning By-law Amendment  
242 Main Street East  
All of Lot 8, Part of Lot 7, Block 10, Plan 6A in the 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.***

Dufferin-Peel Catholic District School Board

Agency Name  
(Please Print)

Joanne Rogers

Representative Name  
(Please Print)

Senior Planner

Representative Title  
(Please Print)

  
Signature

May 11, 2021

Date

**RE: Town of Shelburne Planning Application Circulation: Z21/02 - 242 Main Street E**

Municipal Planning <MunicipalPlanning@enbridge.com>

Sun 2021-05-23 9:10 PM

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.

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Alice Coleman**  
Municipal Planning Analyst  
**Long Range Distribution Planning**

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**ENBRIDGE**  
TEL: 416-495-5386 | [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com)  
500 Consumers Road, North York, Ontario M2J 1P8

[enbridge.com](http://enbridge.com)

**Safety. Integrity. Respect.**





**TOWN OF SHELBURNE**  
**PLANNING & DEVELOPMENT**

**Zoning By-law Amendment**  
**Circulation Response Form**

**Files: Z21/02**

**Project: Application for Zoning By-law Amendment**  
**242 Main Street East**  
**All of Lot 8, Part of Lot 7, Block 10, Plan 6A in the Town of Shelburne**

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Shelburne & District Fire Department

Agency Name  
*(Please Print)*

Ralph Snyder

Representative Name  
*(Please Print)*

Fire Chief

Representative Title  
*(Please Print)*

*Ralph W Snyder*  
Signature

May 17, 2021

Date

**RE: Town of Shelburne Planning Application Circulation: Z21/02 - 242 Main Street E**

Leyten, Martin (MTO) <Martin.Leyten@ontario.ca>

Mon 2021-05-10 7:38 AM

**To:** Planning Account <planning@shelburne.ca>; Steve Wever <swever@gspgroup.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.

Hello Steve,

MTO has reviewed municipal file No: Z21/02 for 242 Main street east and it falls within the connecting link limit and outside of the MTO's permit control area.

If you have any further questions, please do not hesitate to contact myself.

Thanks

Martin



# TOWN OF SHELburnE

## PLANNING & DEVELOPMENT

### Zoning By-law Amendment

### Circulation Response Form

**Files: Z21/02**

**Project: Application for Zoning By-law Amendment  
242 Main Street East  
All of Lot 8, Part of Lot 7, Block 10, Plan 6A in the 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.***

RMU- Town of Shelburne

**Agency Name**  
*(Please Print)*

Ryan Post

**Representative Name**  
*(Please Print)*

Manager of Watershed Science, RMU-Town of Shelburne

**Representative Title**  
*(Please Print)*



**Signature**

May 24, 2021

**Date**



**TOWN OF SHELBURNE**  
**PLANNING & DEVELOPMENT**

**Zoning By-law Amendment**  
**Circulation Response Form**

**Files:** Z21/02

**Project:** Application for Zoning By-law Amendment  
242 Main Street East  
All of Lot 8, Part of Lot 7, Block 10, Plan 6A in the 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.*

Township of Amaranth

Agency Name  
(Please Print)

James Johnstone

Representative Name  
(Please Print)

Township Planner

Representative Title  
(Please Print)

James Johnstone

Signature

May 11, 2021

Date

THE CORPORATION OF THE TOWN OF SHELBURNE

**BY-LAW NO. 28-2021**

BEING A BY-LAW TO AMEND BY-LAW 38-2007, AS AMENDED.

**WHEREAS** an Official Plan has been approved for the Town of Shelburne.

**AND WHEREAS** authority is granted under Section 34 of the Planning Act, R.S.O. 1990, C.P.13 and amendments thereto, to enact this By-law.

**NOW THEREFORE** the Council of the Corporation of the Town of Shelburne enacts as follows:

1. That Schedule "A" of By-law 38-2007, as amended, be further amended by rezoning the land known municipally as 242 Main Street East and described legally as All of Lot 8, Part of Lot 7, Block 10, Plan 6A, in the Town of Shelburne, County of Dufferin, from Mixed Use Commercial (C2) Zone to Mixed Use Commercial Exception Seven (C2-7) Zone as shown on Schedule "A1" to this By-law.
2. That subsection 4.7.3 of By-law 38-2007, as amended, be further amended by inserting one exception zone after subsection 4.7.3.6, as follows:  
  
"4.7.3.7 Mixed Use Commercial Exception Seven (C2-7) Zone  
  
Notwithstanding the permitted uses, regulations and definitions in subsections 3.4.1 (i), 3.4.2, 3.4.3, 4.7.1, and 4.7.2, on the lands zoned C2-7 the following special provisions shall apply:
  - i) The permitted uses shall include one (1) dwelling unit within an accessory building, above the first storey of an existing detached private garage
  - ii) Minimum Rear Yard / Minimum Setback to Rear Lane: 0.6m for the existing private garage
  - iii) Maximum Lot Coverage: 11.2% for the existing private garage
  - iv) Maximum Floor Area: 76m<sup>2</sup> for the existing private garage
  - v) Maximum Height: 6.31m for the existing private garage
  - vi) To allow for two (2) dwelling units on one lot."
3. That except as amended by this By-law, the subject lands as shown on Schedule "A1" to this By-law shall be subject to all other applicable regulations of By-law 38-2007, as amended.
4. Schedule "A1" attached hereto forms part of this By-law.
5. This By-law shall take effect from its date of passage by Council and shall come into force either upon approval by the Local Planning Appeal Tribunal or upon compliance with Section 34 of the Planning Act, R.S.O. 1990, C.P. 13.

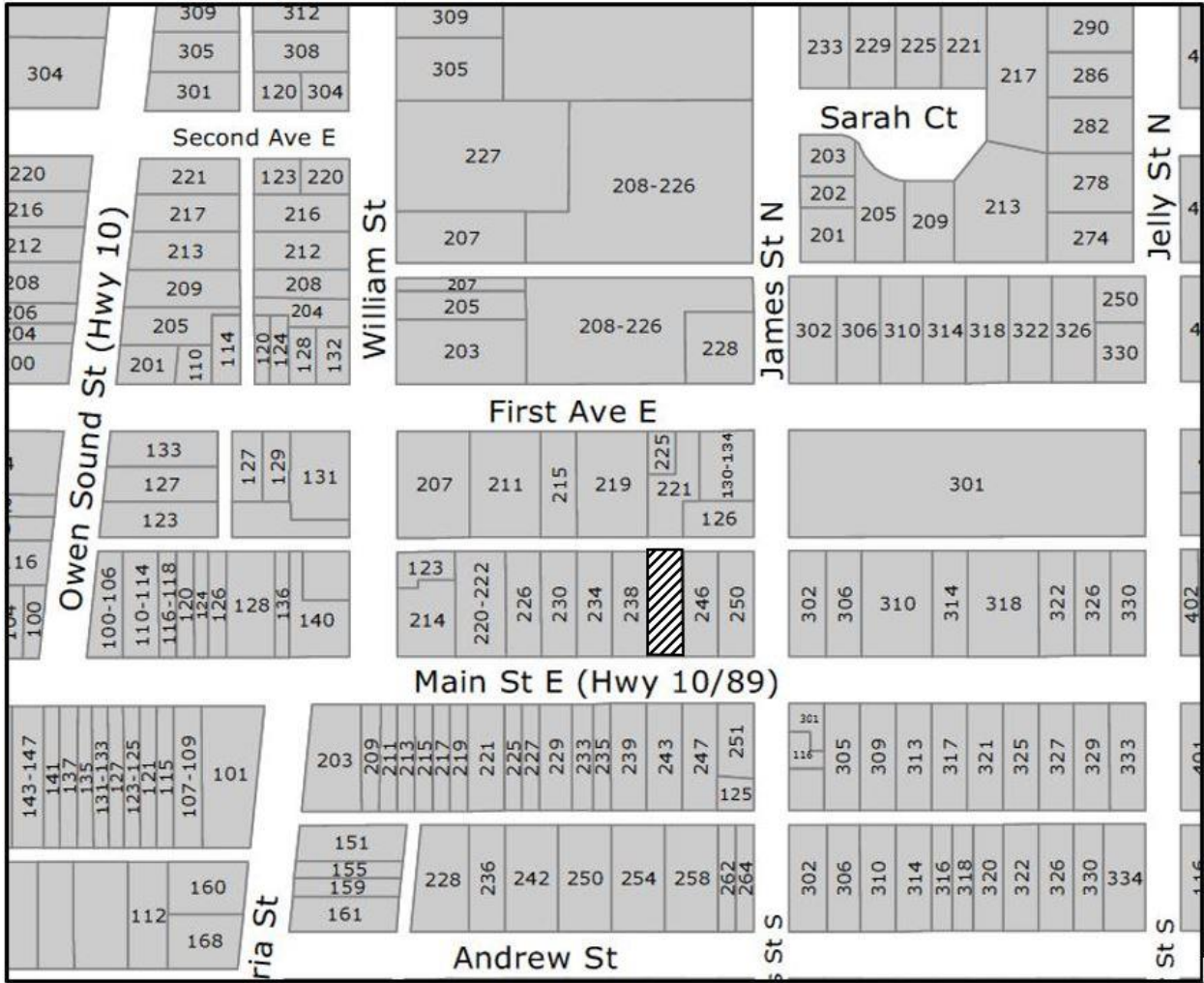
**BY-LAW READ A FIRST AND SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021**

**BY-LAW READ A THIRD TIME AND ENACTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.**

.....  
**MAYOR**

.....  
**CLERK**

SCHEDULE A1 TO BY-LAW NO. 28-2021



Zone change from C2 to C2-7

## **EXPLANATORY NOTE**

The purpose and effect of this amendment to Zoning By-law 38-2007 is to change the zoning of the property known municipally as 242 Main Street East and described legally as All of Lot 8, Part of Lot 7, in the Town of Shelburne, County of Dufferin, from Mixed Use Commercial (C2) Zone to Mixed Use Commercial Exception Seven (C2-7) Zone as shown on Schedule "A1" to this By-law.

The re-zoning of the land to C2-7 applies appropriate zone standards to permit the proposed conversion of the second floor of the existing detached private garage on the lot into an additional dwelling unit. A minimum of 1 parking space is required for the proposed dwelling (1 space per unit) and will be located within the garage. Notwithstanding the maximum of one (1) dwelling unit per lot, up to two (2) dwelling units shall be permitted on the lot.