



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

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**Meeting Date:** Monday, April 22, 2024

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

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

**Report:** P2024-05

**Subject:** **Application for Consent B24/02  
Owen Bennington & Sarah Thompson  
250 Main Street East, Shelburne**

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## Recommendation

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 conditional approval of Consent Application B24/02 subject to the following:

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; and
2. The conditions are to be fulfilled and the consent is to be finalized on or before two years from the date of the issuance of the Committee's notice of decision.

## Background

Owen Bennington and Sarah Thompson have submitted an application for consent for a property located at 250 Main Street East. The subject property is legally described as Part 3, Lot 10, Block 10, Plan 6A.

The applicants previously submitted an application for Consent in 2022 (B22/01) along with a Zoning By-law Amendment (Z22/01). Both applications

were approved on May 30<sup>th</sup> 2022. The previous Consent application was to sever a portion of the property having a land area of 303.25 square metres to create a new residential lot fronting on James Street North. The previous Consent was finalized and the severed lot has been registered, with a civic address of 122 James Street North, and now contains a new Single Detached Dwelling with an Additional Dwelling Unit. The retained land (250 Main Street East) has an area of 379.26 square metres with an existing Single Detached Dwelling.

The purpose of the current application for Consent is to enable the property owner to obtain a certificate for the conveyance of the retained land. In making the previous application, the applicants did not request that certificates be provided for both the severed and retained land, so the Committee's decision was specifically for the severance of the new lot only. As both 250 Main Street East and 122 James Street North have been maintained in the same ownership name, the adjoining land restrictions of the Planning Act do not permit the conveyance of 250 Main Street East to a new ownership name unless 122 James Street North is first conveyed to new ownership, or a Consent is obtained. The owner has decided to request a further Consent to facilitate the conveyance of 250 Main Street East.

## Analysis

The subject property is municipally known as 250 Main Street East and is legally described as Part 3, Lot 10, Block 10, Registered Plan 6A, Town of Shelburne, County of Dufferin. The property is owned by Owen Bennington and Sarah Thompson and currently contains a single detached dwelling with a converted dwelling unit.

The property is located at the northwest corner of Main Street East and James Street North. The property is designated 'Mixed Use' in the Official Plan, is located within the easterly limit of the area designated as 'Downtown Core' and is located within the built boundary. The property is currently zoned Mixed Use Commercial (C2) Zone.

The existing lot is currently occupied by a single detached dwelling with a converted dwelling unit (two units total). A Zoning By-law Amendment was obtained previously in 2022 in order to permit a reduced rear yard, interior side yard and exterior side yard setback, permit a reduced lot area and to recognize the existing legal non-conforming lot frontage. Driveway parking for two spaces is provided to satisfy the parking requirements for the retained lot.

### Surrounding Land Use Context

The lands are within the Downtown Core where intensification and higher densities are situated including a mix of commercial and residential uses.

## Planning Policy Review and Comments

The application for Consent is for legal/technical reasons and no new lots are created as a result of this application. A fulsome planning policy review was previously completed for the prior Consent (B22/01) and related Zoning By-law Amendment (Z22/01) applications demonstrating consistency with the Provincial Policy Statement (PPS) and conformity with the Growth Plan for the Greater Golden Horseshoe, the Dufferin County Official Plan and the Town of Shelburne Official Plan, as well as compliance with the Zoning By-law (as amended).

### Parkland

Since the application is for legal/technical reasons related to a previously approved Consent (B22/01) for which cash-in-lieu of parkland has already been paid in accordance with the conditions of the prior Consent, and does not result in the creation of any new lots, cash-in-lieu of parkland does not apply to the current application.

### Servicing

Servicing for the properties was addressed as part of the prior Consent (B22/01). The water service for the existing home on the retained land will remain off of Main Street East with no change. The sanitary lateral connection has been rerouted to within the Town boulevard along James Street North with a cleanout and connected at the rear lane to the 300 mm collection main. No further servicing work or changes to existing servicing are required as a result of the current application.

### Access

Driveway access will remain off of James Street North with no changes being proposed.

### Town of Shelburne Zoning By-law

As noted earlier, a Zoning By-law Amendment was obtained previously in 2022 (Z22/01) in order to establish the required yards, setbacks, coverage and lot area provisions for the severed and retained lots. No further zoning changes are required and the current application complies with the Zoning By-law.

### Summary

Consent application B24/02 is for legal/technical reasons to facilitate the issuance of a separate certificate for the retained land resulting from a previously approved Consent (B22/01), and is consistent with the PPS,

conforms to the Growth Plan and the County Official Plan, and is in keeping with the Town's Official Plan.

### Financial Impact

Since the Consent is for legal/technical reasons and no new lots are being created, and as cash-in-lieu of parkland and development charges were previously paid for the prior Consent (B22/01) and the new dwelling constructed at 122 James Street North, no further payments of cash-in-lieu of parkland and development charges are required.

### 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 were received as of the report date.

### Supporting Documentation

Deposited M-plan

Prepared by:

Reviewed by:

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Jenna Wenzel, Planning Coordinator

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Steve Wever, Town Planner