



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

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**Meeting Date:** Monday, October 04, 2021

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

**From:** Steve Wever, Town Planner

**Report:** P2021-41

**Subject:** **Application for Minor Variance A21/06  
Part of Lot 1, Concession 3, Old Survey,  
Town of Shelburne  
Design Plan Services Inc. for Scone  
Developments Inc.**

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### Recommendation

Be it resolved that the Committee of Adjustment receive Report P2021-41 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 A21/06 for the property legally described as Part of Lot 1, Concession 3, Old Survey, Town of Shelburne, and applicable to the areas identified as Block 1 (Lots 1 and 2) and Blocks 3 to 6 inclusive on Draft Plan of Subdivision File No. DPS 17/02, providing the following relief from Zoning By-law 38-2007:

1. Relief from Section 4.5.2 of the Zoning By-law to permit a minimum front yard of 5.3 metres for a street townhouse or townhouse dwelling provided that all driveways located in the front yard shall have a minimum length of 6 metres within the lot (Block 1, Lots 1 and 2);

2. Relief from Section 4.5.2 of the Zoning By-law to permit a minimum rear yard of 6.0 metres for a street townhouse or townhouse dwelling (Blocks 3 to 6); and
3. Relief from Section 4.5.2 of the Zoning By-law to permit a maximum lot coverage of 53% for street townhouse or townhouse dwellings (Blocks 3 to 6).

## Background

An application has been submitted for a Minor Variance for the property legally described as Part of the West Half of Lot 1, Concession 1, Old Survey, Part of Lot 1, Concession 3, Old Survey, Town of Shelburne. A draft plan of subdivision for 33 townhouse dwellings has been approved for the subject property. The proposed Minor Variance applies to Block 1 (Lots 1 and 2) and Blocks 3 to 6 and on Draft Plan of Subdivision (DPS17/02) otherwise known as the Shelburne Towns subdivision (formerly Stoneridge).

The subject property is located along the east side of the former railway corridor at the west end of First Avenue West and Second Avenue West, north of Main Street West at Gordon Street. Block 1 is located at the northerly limit of the subdivision and is planned for a street townhouse building with 5 units. Blocks 3 to 6 are located along the west limit of the subdivision and are also planned for street townhouse buildings, each with 6 units except for the building in Block 6 which will have 4 units.

A Zoning By-law Amendment (By-law 08-2014) was previously approved by Council on February 10<sup>th</sup>, 2014, for the Stoneridge subdivision, establishing site-specific R5-3 and R5-4 Zones (with Holding provisions) for the subject property to permit the proposed street townhouse development.

The purpose of the Minor Variance application is to request relief from Zoning By-law 38-2007, as amended by By-law 08-2014, to:

- 1) permit a minimum front yard of 5.33 metres for Lots 1 and 2 of Block 1, whereas the by-law requires a minimum front yard of 6 metres;
- 2) permit a minimum rear yard of 6.0 metres for Blocks 3 to 6, whereas the by-law requires a minimum rear yard of 7.5 metres; and
- 3) permit a maximum lot coverage of 53% for Block 3 to 6, whereas the by-law requires a maximum lot coverage of 45%.

The applicant has provided a plan (attached) illustrating the location of the proposed townhome within each Block, the boundaries of each Lot and the proposed lot areas and frontages, yards and coverages for each Lot.

## Analysis

The subject land is:

- 1.2 hectares (3 acres) in area with 14.4 metres of frontage on Main Street West;
- Designated “Residential” on Schedule ‘A’ and “Medium Density” on Schedule ‘B1’ of the Official Plan;
- Zoned “Residential Type Five Exception Three (R5-3[H])”, “Residential Type Five Exception Four (R5-4[H])” and “Open Space Recreation Exception Two (OSR-2[H])” in the Town of Shelburne Zoning By-law.

The application submitted requests a minor variance that would provide relief from the regulations for street townhouses and townhouse dwellings in Section 4.5.2 of the Zoning By-law to permit a minimum front yard of 5.33 metres, whereas 6.0 metres is required (Block 1, Lots 1 and 2).

Secondly, relief from Section 4.5.2 of the Zoning By-law is also requested to permit a minimum rear yard of 6.0 metres (Blocks 3 to 6).

Thirdly, the applicant is requesting relief from Section 4.5.2 of the Zoning By-law to permit a maximum lot coverage of 53% whereas 45% is the maximum (Blocks 3 to 6).

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. A brief planning analysis of the application under the four tests is provided below.

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

**Yes.**

Minimum Front Yard (Lots 1 and 2 of Block 1): these 2 lots are located on a proposed cul-de-sac and have curved/angled front lot lines, and therefore the proposed townhomes will be oriented at an angle to the street line. As a result, the corner of the garage attached to the townhouse units on Lots 1 and 2 would be setback slightly less than 6.0 metres from the nearest point on the

front lot line. Measured on an angle from the corner of the unit to the closest point on the front lot line, the townhouse on Lot 1 would be setback 5.4 metres and the unit on Lot 2 would be setback 5.33 metres from the front lot line. The reduction is insignificant, as the face of the garage will be setback more than 6 metres from the front lot line on each lot, and the depth of the front yard is 6 metres in front of the entire dwelling when measured perpendicular to the front wall of the dwelling. There will not be a noticeable visual impact to the streetscape and each lot will have sufficient front yard area for snow storage in the winter. The requested variance applies to only two of the six lots in Block 1.

Minimum Rear Yard and Maximum Lot Coverage (Blocks 3 to 6): The proposed site is narrow compared to most subdivisions within Shelburne making it challenging to meet the standard minimum yard and coverage requirements while achieving a reasonable/desirable building area and dwelling sizes.

A minimum rear yard of 6.0 metres for Blocks 3 to 6 will provide for a consistent rear yard requirement for the subdivision, as a rear yard requirement of 6 metres was previously approved for Blocks 1 and 2 (R5-3 Zone) but, at the time the zoning was approved for the site, the R5-4 Zone was applied to Blocks 3 to 6 and requires a 7.5 metre rear yard. The front yard requirement of 6.0 metres met for all lots within Blocks 3 to 6. The reduced rear yard is considered minor as it will maintain a functional amenity area, align the buildings in Blocks 3 to 6 with Block 2 to the north for a consistent building line, and the units back onto the former railway corridor.

Regarding lot coverage, the minimum lot area of 160.0 metres (R5-4 Zone) is met for the proposed townhouse units within Blocks 3 to 6, but the site coverage maximum of 45% was not adjusted for these Blocks via the approved site-specific zoning in 2014. As a result, the maximum coverage requirement at 45% would limit the ground floor building area to 72 square metres for the internal townhouse units, and the proposed dwellings are 87 square metres (approximately 936 square feet) on the ground floor, consistent with the rest of the development. This would not be considered an excessive sized home for the area. An increased lot coverage standard of 56% was previously approved for Blocks 1 and 2 and the proposed maximum lot coverage of 53% for Blocks 3 to 6 is within that previously approved limit. The increased lot coverage is required only for the internal lots within Blocks 3 to 6, while the end unit lots will meet the standard coverage requirement of 45%.

Based on the above analysis, the requested variances are considered minor.

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

**Yes** – The proposed variances will allow for consistent building and dwelling units sizes, building lines, yard sizes, coverages and building orientation throughout the development, and are appropriate and desirable for the development of the lands.

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

**Yes** – The intent of the 6.0 metre front yard requirement is, in part, to ensure that the required parking space (attached garage) is not located within the required front yard and to ensure the front yard has sufficient depth to accommodate the parking of a second vehicle within a driveway in the front yard. In this case, the garages themselves are located at least 6.0 metres from the front lot line and the proposed driveways meet the minimum length requirement of 6 metres. The intent of the regulation has been met.

The intent of the minimum rear yard requirement is to ensure useable, functional rear amenity areas, provide for consistent building lines among adjoining lots, and promote separation between dwellings backing on each other to protect privacy at the back of the dwellings. As noted above, a 6-metre minimum rear yard has been approved for this subdivision previously, for the townhouses in Blocks 1 and 2 (R5-3 Zone). When the site-specific zoning of this subdivision was approved, the previous owner proposed that the townhomes in Blocks 3 to 6 would be up to 3 stories in height, which allowed for larger rear yard areas on these blocks as the third storey provides additional floor space for each dwelling. The current owner and builder is proposing two storey units throughout the development, including Blocks 3 to 6 which will be consistent with the unit sizes and heights on Blocks 1 and 2. As Blocks 3 to 6 back on the former rail corridor, there is a significant distance between the back of the proposed townhomes and the nearest dwellings to on the other side of the former rail corridor, which are approximately 60 metres to the west.

The intent of the maximum lot coverage requirement is to provide for a useable building area on the lot while providing for sufficient outdoor amenity area/yards and room for driveways and parking. As noted above, the minimum lot area was reduced for the lots in Block 3 to 6 through the 2014 site-specific zoning amendment, which also provides for a maximum lot coverage of 56% in the R5-3 Zone (Blocks 1 and 2) but did not include a corresponding adjustment to the maximum coverage in the R5-4 Zone applicable to Blocks 3 to 6. At the time, the previous owner had contemplated up to 3-storey townhouse units on Blocks 3-6, which could accommodate a

larger total dwelling area within the 45% coverage limit. However, as noted above the current owner/builder is proposing two-storey units throughout the development.

Based on the analysis 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 proposed variance for maximum site coverage as well as front and rear yard reductions conform with the general intent of the Official Plan which designates the property as Residential and promotes residential intensification in this area. The Residential designation provides for a variety of dwelling types and densities. 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. As noted earlier, the proposed variances will allow for consistent building and dwelling units sizes, building lines, yard sizes, coverages and building orientation throughout the development, and are appropriate and desirable for the development of the lands.

Based on the analysis above, it is our opinion that the Minor Variance conforms to the general intent of the Official Plan.

#### **Summary**

The proposed Minor Variance will permit a minimum front yard of 5.3 metres whereas 6.0 metres is required (Lots 1 and 2 of Block 1), permit a reduced rear yard of 6.0 metres whereas 7.5 metres is required (Blocks 3 to 6) and increase the maximum lot coverage from 45% to 53% (Blocks 3 to 6). The proposed variances to these zoning regulations are minor in nature, 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

Prepared by:

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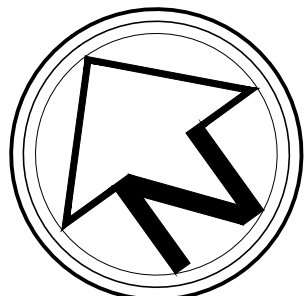
Jenna Daum, Planner

Reviewed by:

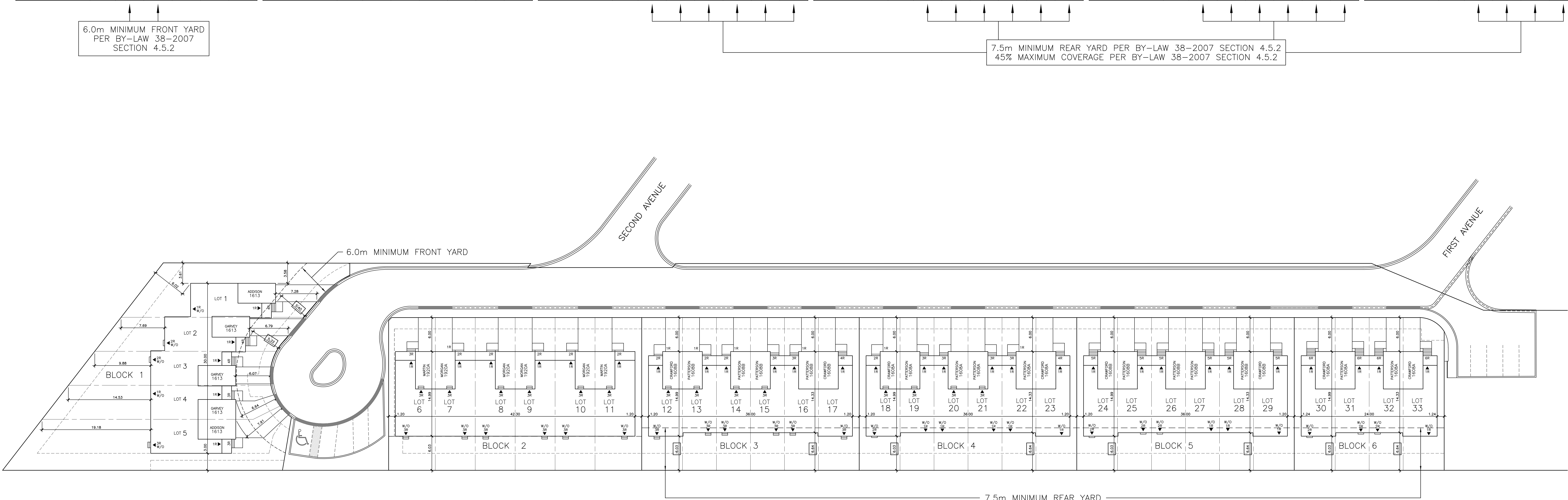
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Steve Weber, Town Planner

#	REVISIONS	DATE
1	ISSUED	JUL 30 21
2	BLOCK 1: REVISED REAR YARD SETBACKS	SEP 29 21



ZONING R5-3 Per Bylaw 38-2007 Section 4.5.2 And Bylaw 08-2014	SITE STATISTICS - BLOCK 1					ZONING R5-3 Per Bylaw 38-2007 Section 4.5.2 And Bylaw 08-2014	SITE STATISTICS - BLOCK 2					ZONING R5-4 Per Bylaw 38-2007 Section 4.5.2 And Bylaw 08-2014	SITE STATISTICS - BLOCK 3					ZONING R5-4 Per Bylaw 38-2007 Section 4.5.2 And Bylaw 08-2014	SITE STATISTICS - BLOCK 4					ZONING R5-4 Per Bylaw 38-2007 Section 4.5.2 And Bylaw 08-2014	SITE STATISTICS - BLOCK 5					ZONING R5-4 Per Bylaw 38-2007 Section 4.5.2 And Bylaw 08-2014	SITE STATISTICS - BLOCK 6							
REQUIRED	LOT 1 PROPOSED	LOT 2 PROPOSED	LOT 3 PROPOSED	LOT 4 PROPOSED	LOT 5 PROPOSED	LOT FRONTAGE	LOT 6 PROPOSED	LOT 7 PROPOSED	LOT 8 PROPOSED	LOT 9 PROPOSED	LOT 10 PROPOSED	LOT 11 PROPOSED	REQUIRED	LOT 12 PROPOSED	LOT 13 PROPOSED	LOT 14 PROPOSED	LOT 15 PROPOSED	LOT 16 PROPOSED	LOT 17 PROPOSED	REQUIRED	LOT 18 PROPOSED	LOT 19 PROPOSED	LOT 20 PROPOSED	LOT 21 PROPOSED	LOT 22 PROPOSED	LOT 23 PROPOSED	REQUIRED	LOT 24 PROPOSED	LOT 25 PROPOSED	LOT 26 PROPOSED	LOT 27 PROPOSED	LOT 28 PROPOSED	LOT 29 PROPOSED	LOT FRONTAGE	LOT 30 PROPOSED	LOT 31 PROPOSED	LOT 32 PROPOSED	LOT 33 PROPOSED
LOT FRONTAGE	125.55 m	7.701 m	6.073 m	6.549 m	9.006 m	LOT FRONTAGE	8.239 m	7.050 m	7.050 m	7.050 m	8.239 m	LOT FRONTAGE	7.201 m	6.000 m	6.000 m	6.000 m	6.000 m	7.201 m	LOT FRONTAGE	7.201 m	6.000 m	6.000 m	6.000 m	6.000 m	7.201 m	LOT FRONTAGE	7.197 m	6.000 m	6.000 m	6.000 m	6.000 m	7.197 m	LOT FRONTAGE	7.237 m	6.000 m	6.000 m	7.237 m	
LOT AREA, Minimum	185.01 m <sup>2</sup>	316.61 m <sup>2</sup>	229.07 m <sup>2</sup>	428.21 m <sup>2</sup>	428.21 m <sup>2</sup>	LOT AREA, Minimum	222.13 m <sup>2</sup>	190.08 m <sup>2</sup>	190.08 m <sup>2</sup>	190.08 m <sup>2</sup>	222.13 m <sup>2</sup>	LOT AREA, Minimum	194.15 m <sup>2</sup>	161.77 m <sup>2</sup>	161.77 m <sup>2</sup>	161.77 m <sup>2</sup>	161.77 m <sup>2</sup>	194.15 m <sup>2</sup>	LOT AREA, Minimum	194.15 m <sup>2</sup>	161.77 m <sup>2</sup>	161.77 m <sup>2</sup>	161.77 m <sup>2</sup>	161.77 m <sup>2</sup>	194.15 m <sup>2</sup>	LOT AREA, Minimum	194.04 m <sup>2</sup>	161.77 m <sup>2</sup>	161.77 m <sup>2</sup>	161.77 m <sup>2</sup>	161.77 m <sup>2</sup>	194.04 m <sup>2</sup>	LOT AREA, Minimum	195.12 m <sup>2</sup>	161.77 m <sup>2</sup>	161.77 m <sup>2</sup>	195.12 m <sup>2</sup>	
BUILDING AREA	88.70 m <sup>2</sup>	88.87 m <sup>2</sup>	88.48 m <sup>2</sup>	88.31 m <sup>2</sup>	88.31 m <sup>2</sup>	BUILDING AREA	105.29 m <sup>2</sup>	105.29 m <sup>2</sup>	105.29 m <sup>2</sup>	105.29 m <sup>2</sup>	105.29 m <sup>2</sup>	BUILDING AREA	87.77 m <sup>2</sup>	84.18 m <sup>2</sup>	84.18 m <sup>2</sup>	84.18 m <sup>2</sup>	84.18 m <sup>2</sup>	87.77 m <sup>2</sup>	BUILDING AREA	87.77 m <sup>2</sup>	84.18 m <sup>2</sup>	84.18 m <sup>2</sup>	84.18 m <sup>2</sup>	84.18 m <sup>2</sup>	87.77 m <sup>2</sup>	BUILDING AREA	87.77 m <sup>2</sup>	84.18 m <sup>2</sup>	84.18 m <sup>2</sup>	84.18 m <sup>2</sup>	84.18 m <sup>2</sup>	87.77 m <sup>2</sup>	BUILDING AREA	87.77 m <sup>2</sup>	84.18 m <sup>2</sup>	84.18 m <sup>2</sup>	87.77 m <sup>2</sup>	
LOT COVERAGE, Maximum	56 %	28.02 %	48.21 %	38.55 %	20.60 %	LOT COVERAGE, Maximum	56 %	47.43 %	55.39 %	55.39 %	55.39 %	LOT COVERAGE, Maximum	45 %	52.04 %	52.04 %	52.04 %	52.04 %	52.04 %	LOT COVERAGE, Maximum	45 %	52.04 %	52.04 %	52.04 %	52.04 %	52.04 %	LOT COVERAGE, Maximum	45 %	52.04 %	52.04 %	52.04 %	52.04 %	52.04 %	LOT COVERAGE, Maximum	45 %	44.98 %	52.04 %	52.04 %	
FRONT YARD, Minimum	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	FRONT YARD, Minimum	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	FRONT YARD, Minimum	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	FRONT YARD, Minimum	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	FRONT YARD, Minimum	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	FRONT YARD, Minimum	6.0 m	6.0 m	6.0 m	6.0 m	
INTERIOR YARD North, Minimum	1.2 m	3.58 m	6.03 m	6.03 m	6.03 m	INTERIOR YARD North, Minimum	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	INTERIOR YARD North, Minimum	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	INTERIOR YARD North, Minimum	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	INTERIOR YARD North, Minimum	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	INTERIOR YARD North, Minimum	1.2 m	1.2 m	1.2 m	1.2 m	
INTERIOR YARD South, Minimum	1.2 m	3.58 m	6.03 m	6.03 m	6.03 m	INTERIOR YARD South, Minimum	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	INTERIOR YARD South, Minimum	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	INTERIOR YARD South, Minimum	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	INTERIOR YARD South, Minimum	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	1.2 m	INTERIOR YARD South, Minimum	1.2 m	1.2 m	1.2 m	1.2 m	
REAR YARD, Minimum	6.0 m	6.02 m	6.02 m	7.75 m	11.6 m	REAR YARD, Minimum	6.03 m	6.03 m	6.03 m	6.03 m	6.03 m	REAR YARD, Minimum	7.5 m	6.03 m	6.04 m	6.04 m	6.04 m	6.04 m	REAR YARD, Minimum	7.5 m	6.04 m	6.04 m	6.04 m	6.04 m	6.04 m	REAR YARD, Minimum	7.5 m	6.04 m	6.04 m	6.04 m	6.04 m	6.04 m	REAR YARD, Minimum	7.5 m	6.04 m	6.04 m	6.04 m	



ARCHITECTURAL  
DESIGN INC.

56 PENNSYLVANIA AVE.  
UNIT 1  
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PROJECT  
PROPOSED  
TOWNHOUSES  
FOR: SCONE DEVELOPMENTS  
AT: SHELBOURNE

DRAWING  
MINOR VARIANCE DATA

DATE  
JUL '21  
DRAWN  
T.P.  
SCALE  
1:250

PROJECT NO  
21-20  
DRAWING NO  
COA-1

LEO ARTHUR  
LEICHTENSTERN  
7561

ALL DRAWINGS AND SPECIFICATIONS ARE THE  
PROPERTY OF THE ARCHITECT AND SHALL BE  
USED OR REPRODUCED WITHOUT HIS APPROVAL.  
THE CONTRACTOR SHALL CHECK AND VERIFY  
ALL DIMENSIONS ON THE SITE AND REPORT  
ANY DISCREPANCIES TO THE ARCHITECT.  
DRAWINGS MUST NOT BE SCALED

