

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11 and A5/08

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APPLICATION A2/11

Applicant: Steve Hummel and Sharon Hummel

THE LOCATION OF THE SUBJECT PROPERTY is described as Lot 6 Part Lot 5, with a civic address of 455 Durham St. W., Mount Forest. The property is approximately 1372 sq.m (14,769 sq.ft.) in size and has frontage on Durham and Henry Streets.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required lot area, frontage, interior side yard and exterior side yard setbacks under section 11.2 of the Wellington North Zoning By-law regulating the setback requirements for single detached dwellings in an R1C zone. The applicant is proposing to sever the subject property to create two additional lots and construct a single detached dwelling on each of the severed parcels (consent applications B33/11 and B34/11). The property is located in a Residential (R1C) zone. Other variances may be considered where deemed appropriate. The end result will be 3 residential lots on the property.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on May 24, 2011 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed comments provided by Denise Whaley, Junior Planner, dated May 12, 2011.

The variances requested would provide relief from sections 11.2.1, 11.2.2, 11.2.4 & 11.2.5 of the Zoning By-law to allow a reduced frontage, lot area, and side yard setbacks to allow the construction of two single detached dwellings.

The Planning Department had no concerns with the relief requested at this time. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property, provided that:

- a) The application for the minor variances are approved subject to the attached sketch and,
- b) The approval of consent applications B33/11 and B34/11.

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The Places to Grow policies place emphasis on intensification and optimizing of the use of existing land supplies. Under section 2.2.2.1 which deals with managing growth it states: “population and employment growth will be accommodated by concentrating intensification in intensification areas.” Intensification is defined as: “the development of a property, site or area at a higher density than currently exists through...b) the development of vacant and/or underutilized lots within previously developed areas; or c) infill development.” The plan further states municipalities are to develop policies and strategies to achieve intensification that will encourage and facilitate intensification. Additionally the municipality should identify the appropriate type and scale of development within these areas.

The subject property is designated Residential in the Mount Forest Urban area in the Wellington County Official Plan. Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

In the Wellington North Zoning By-law the subject lands are zoned Residential (R1C). The applicants are proposing to sever the subject property to create two new residential lots and construct a new single detached bungalow on each new lot. The retained parcel would maintain the current dwelling. The proposed severances and location of the dwellings will create lot area, frontage and side yard deficiencies shown below for the three parcels:

Severed Parcel (A) – Proposed Single Detached Bungalow

	<u>By-Law R1C Regulations</u>	<u>Proposed Dimensions</u>
Lot Frontage, minimum	15.0 m (49.2 ft)	13.6 m (44.6 ft)

Retained Parcel (B) – 1 ½ Storey existing

	<u>By-Law R1C Regulations</u>	<u>Proposed Dimensions</u>
Lot Frontage, minimum	15.0 m (49.2 ft)	12.2 m (40.0 ft)
Lot Area, minimum	465.0 m ² (5005.4 ft ²)	418.7 m ² (4508.0 ft ²)
Interior Side Yard	3.7 m (12.1 ft)	2.4m (7.8 ft)
No attached garage		

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Severed Parcel (C) – Proposed Single Detached Bungalow

	<u>By-Law R1C Regulations</u>	<u>Proposed Dimensions</u>
Lot Frontage, minimum	15.0 m (49.2 ft)	14.1 m (46.6 ft)
Exterior Side Yard, minimum	7.6 m (24.9 ft)	6.2 m (20.3 ft)

One of the tests for a minor variance application is whether the variance(s) sought is minor. In this application 6 variances are being sought; however 3 of these are within the retained parcel which will have relatively minor impacts on the surrounding neighbourhood. For the proposed single detached bungalows, the requested variances would be considered minor.

This property was part of a previous consent application which had provided for only 40 ft of frontage for the proposed Lot A). Because of neighbour concerns at that time it was determined that the proposed lots could be reconfigured to allow for increased lot frontage for Lot A) and a side yard setback of 10 ft, which exceeds the requirement for side yards as per section 11.2.4 of the zoning by-law.

This application is consistent with the policy direction for intensification under the Places to Grow Act, 2005 and to the County of Wellington Growth Strategy in Part 3 of the Official Plan.

The configuration has been modified as there were concerns raised by Council and residents when the previous application was before the Land Division Committee. The Land Division Committee was supportive of the application but wanted to ensure Council and residents issues were resolved.

6. Correspondence/Comments received:
 - Saugeen Valley Conservation Authority
 - no objection

7. Questions/Comments

Persons present who wish to make oral and/or written submissions in support of the proposed minor variance?

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The Applicant was present to answer any questions regarding the application. Mr. Hummel stated that due to concerns the lots have been reconfigured. He has built similar homes in elsewhere.

Persons present who wish to make oral and/or written submissions against this application?

Robert Hill, 465 Durham Street West, objected to the minor variance application. He previously filed an objection to the consent application with the Wellington County Land Division Committee and attended their meeting on April 14. Mr. Hill was surprised that the Wellington North Zoning By-law was not given any consideration but decisions were based on Provincial Policy calling for high density. He was also concerned when he heard that the Township had supported the consent application and that the Land Division Committee changed the application to different lot sizes without the application going back to the Township Council. Mr. Hill questioned how this application meets the four tests of a minor variance. The Zoning By-law refers to R1C Zone as Low Density. Mr. Hill feels the proposed development is not low density.

Brian Padfield spoke on behalf of Stuart and Sara Nelson, adjacent owners at 311 Henry Street. Mr. and Mrs. Nelson opposed the application as they feel that the proposed development is substantially inconsistent with the current Township Zoning By-law and the established residential development of the area. They do not feel that the relief requested in the application is minor and suggest that a zoning amendment maybe necessary. Mr. and Mrs. Nelson supported Robert Hill's letter dated May 13.

Those wishing to be notified of the decision were asked leave their name and address with the secretary-treasurer.

Committee – Comments and Questions

Dan Yake requested that the Committee defer the application until all of Council were present. He is not in support of this application as it requested six variances. Mr. Yake felt the lot sizes were not suitable for the area.

Andy Lennox questioned if the proposed development would be considered high density.

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Ms. Redmond informed the Committee that low density refers to the building type. Low density refers to single family dwellings. The proposed development meets the requirements of the zoning by-law in that respect.

Moved by: Councillor Yake
Seconded by: Councillor Lennox

THAT the minor variance applied for in Application A2/11 be deferred.

Resolution No. 2

Carried

APPLICATION A5/08

Applicant: Peter Schlegel

THE LOCATION OF THE SUBJECT PROPERTY is in Part Park Lot 7 & 6, plan 61R8529 and is municipally known as 740 Princess Street (Mount Forest). The property is approximately 3.653 ha. (9 ac.) in size and is occupied by a partially completed townhouse development (phase 1).

THE PURPOSE AND EFFECT is to provide relief from the minimum required parking for the proposed townhouse development on the subject lands. According to Section 6.27.8 of the Zoning By-law the required parking for a cluster townhouse development is 1.5 spaces per unit. Based on this, the proposal would require a minimum of 74 parking spaces, whereas the applicants are proposing to provide 61. Relief is required for 13 parking spaces.

This variance was before the Committee of Adjustment on August 18th, 2008. The variance was deferred at the request of the applicant. The variance is now coming forward for consideration at the request of the applicant.

8. The Secretary Treasurer confirmed that notice was mailed to those requesting notice in writing and posted on the property.
9. A5/08 Committee of Adjustment Minutes – August 18, 2008

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10. A5/08 Committee of Adjustment Minutes – September 8, 2008

11. Linda Redmond, Township Planner, reviewed her comments dated April 27, 2011.

The variance requested would provide relief from Section 6.27.8 of the Zoning By-law that requires 74 parking spaces for a 49 unit residential townhouse development. The applicants are requesting a reduction in the required parking to 61 spaces. The Planning Department had no concerns with this proposal that maintains the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the subject property.

The subject property is designated RESIDENTIAL. Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

The subject lands are currently zoned Institutional with a site specific exemption 37 (IN-37). This zoning category permits a nursing home and townhouse development. At this time a portion of the lands are proposed for a 49 unit townhouse development. The parking needed for this type of use is 74 spaces based on the requirement of 1.5 spaces per unit. The applicants are proposing to provide 61 spaces.

The development as proposed will provide each unit with an attached garage. For the purposes of the zoning by-law the garage is considered the required parking space. There is additional parking provided in the driveway of each unit however this cannot be counted as required parking. There will also be an additional 12 spaces on the site for visitors. Additionally there is a nursing home proposed on the other portion of the property. At this time the applicants are wishing to proceed with the townhouse development and the nursing home will follow at a later date. Once the nursing home is developed there will be pedestrian access between the two uses, which will provide additional parking opportunities. This combined with the supplemental parking located in front of the garages will provide adequate parking for this development.

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This variance was before the Committee of Adjustment in 2008. At that time the land was vacant and there were concerns raised by the neighbours primarily related to overflow of parking onto the surrounding roads. The applicant asked the Committee to defer the application until a later date. Since that time Phase 1 of the site is almost complete which includes 6 townhouse blocks and comprises 25 units. Phase 2 which contains the remaining 24 units has not received final site plan approval which is contingent on this variance as the parking deficiency is located within this Phase of the development.

Denise Whaley, Junior Planner, presented her correspondence dated June 1, 2011. At the meeting held on May 2, 2011 the Committee requested that staff undertake a study of parking requirements for cluster townhouses in other municipalities. A survey was conducted of other municipalities in their treatment of parking requirements for cluster townhouses.

Among municipalities there was no universally accepted minimum standard for parking requirements and there is some variation in the treatment of these types of developments, requiring anywhere from 1.0-1.5 spaces. However, there are many cases of site specific zoning or minor variances which have allowed fewer than the minimum *where the minimum is more than 1.0 space*, and where a development is geared specifically for the 55+ age group, and is within a urban core or transportation corridor.

Several municipalities surveyed also recognized tandem parking when calculating parking requirements for dwelling units. Tandem parking occurs when a vehicle parks in front of another by way of the same entrance, such as would occur with a garage and driveway or an appropriate sized longer driveway. In the case of this type of development, tandem parking would allow the garage and driveway of each dwelling to be considered as (2) separate parking spaces when calculating the total required spaces.

In Wellington North tandem parking has not been previously recognized when calculating parking. Meaford and Cambridge recognize tandem parking which would satisfy the parking requirements of 1.5 spaces per unit within the drive and garages of this type of development. Orangeville and Hamilton have previously allowed tandem parking when calculating parking requirements but have since reduced their parking requirements to (1) per unit for all dwelling units, therefore recognizing tandem parking is no longer necessary.

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The table below provides a summary of parking requirements for this type of development among different municipalities of varying sizes. The column indicating the total parking required does not take into consideration any site specific parking requirements allowed through minor variances or site specific zoning which may also occur in these municipalities. It only provides the minimum standards under the specific zoning by-laws.

MUNICIPALITY	REQUIRED PARKING FOR CLUSTER TOWNHOMES	TOTAL REQUIRED FOR 49 UNITS WITHOUT MINOR VARIANCE
WELLINGTON NORTH	1.5 / unit	74
CENTRE WELLINGTON	1.0 / unit + 0.5 spaces / unit for visitors for the first 20 units and 0.25 / unit for each additional unit. A minimum of 50% of the additional parking spaces shall be devoted exclusively to visitor parking	66
MEAFORD	1.5 / unit Tandem parking recognized therefore drive and garage = 2 spaces No additional visitor parking required	74 – satisfied within drive and garage
OWEN SOUND	1.25 / unit No additional visitor parking required	62
ORANGEVILLE	1.0 / unit	49
CAMBRIDGE	1.0 + 0.5 visitor/unit Also recognizes tandem parking	74 – satisfied within drive and garage
GEORGIAN BLUFFS	1.0 +1.0/4 units for visitor parking	62
HAMILTON	1.0 / unit	49
SAUGEEN SHORES	1.0 / unit + 1.0 / 4 units visitor parking	62

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12. Correspondence/Comments received (August 18, 2008 meeting):

- Saugeen Valley Conservation Authority – No objection
- Warren Fink, 316 Jeremy's Crescent – Concerns
- Thelma and Robert Rowsell, 749 Princess Street – Object
- Diane McDonald, President, Betty-Dee Ltd. – Object pending resolution of drainage
- Warren Fink, 316 Jeremy's Crescent – Concerns
- Diane McDonald, President, Betty-Dee Ltd. – Object pending resolution of drainage
- Leon and Josie Vandepas, 761 Princess Street – Not in favour

Correspondence/Comments received (September 8, 2008 meeting):

- Warren Fink, 316 Jeremy's Crescent – Concerns
- Diane McDonald, President, Betty-Dee Ltd. – Object pending resolution of drainage
- Leon and Josie Vanderpas, 761 Princess Street – Not in favor

Correspondence/Comments received (May 2, 2011)

- Diane McDonald, Betty Dee Limited – Object
- Ken and Ann Babey, 610 Martin St. - Object

Correspondence/Comments received (June 6, 2011 meeting):

- Jerome Quenneville, North Wellington Health Care – Looking forward to seeing the development proceed
- Warren Fink, 316 Jeremy's Crescent – Object
- Thelma and Robert Rowsell, 749 Princess Street – Object
- Diane McDonald, President, Betty-Dee Ltd. – Object

13. Persons present who wish to make oral and/or written submissions in support of the proposed minor variance?

The Applicant was present to answer any questions regarding this application. Mr. Schlegel was appreciative of the parking study. The consideration of tandem parking would mean two spaces for each unit and would allow maximum utilization of land. The current units are filled or spoken for and there is a waiting list for more units.

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Persons present who wish to make oral and/or written submissions against this application?

Warren Fink, 363 Jeremy's Crescent, objected to the application. Mr. Fink stated that minimum standards are to protect the residents of the community and that the developer initiated the project and planned for parking below the minimum standard. The current project will result in significant change in population and traffic. These streets have no sidewalks so pedestrians will be forced to use the roadway, which will create a hazard. Mr. Fink commented on the grading, flooding and drainage as the plans have changed since construction started three years ago. Mr. Fink suggested that other things have changed that we have not seen. The developer is currently renting out the townhouses to seniors, but questioned what will happen in the future if they are sold as condominium units to families with multiple vehicles. Mr. Fink believed that the townhouse development should be considered as a standalone development as the nursing home may never be built.

Those wishing to be notified of decision please leave name and address with secretary-treasurer.

Committee:

- Comments and questions
 - None

Moved by: Councillor Yake

Seconded by: Councillor Lennox

THAT the minor variance applied for in Application A5/08 be authorized.

Resolution No. 3

Carried

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14. Adjournment

**Moved by: Councillor Goetz
Seconded by: Councillor Lennox**

That the Committee of Adjustment meeting of June 6, 2011 be adjourned at 7:49 p.m.

Resolution No. 4

Carried

Secretary Treasurer

Chairman