

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
JANUARY 24, 2022 @ 7:00 P.M.
VIA WEB CONFERENCING <https://www.youtube.com/watch?v=GtQ8kuJdDDs>

Members Present:

Mayor: Andrew Lennox
Councillors: Sherry Burke
Lisa Hern
Steve McCabe
Dan Yake

Staff Present:

Chief Administrative Officer:	Michael Givens
Director of Legislative Services/Clerk:	Karren Wallace
Deputy Clerk:	Catherine Conrad
Director of Finance:	Adam McNabb
Director of Operations:	Matthew Aston
Community Recreation Coordinator:	Mandy Jones
Manager of Recreation Services:	Tom Bowden
Economic Development Officer:	Dale Small
Chief Building Official:	Darren Jones
Director of Fire Services:	Chris Harrow
Senior Planner:	Jessica Rahim
Senior Planner:	Mathieu Daoust

CALLING TO ORDER - Chairperson Lennox

Chairperson Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest declared.

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, December 13, 2021 (A13/21)

RESOLUTION: CoA 2022-001

Moved: McCabe

Seconded: Yake

THAT the Committee of Adjustment meeting minutes of December 13, 2021 – A13/21 be adopted as presented.

CARRIED

APPLICATION

A01/22 – Anitha Thekkedeth & Sudhir Kurup

THE LOCATION OF THE SUBJECT PROPERTY is described as Concession B, Part Lot 23 and is municipally known as 7644 Highway 6, Arthur. The subject lands are approximately 0.15 ha (0.37 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the maximum ground floor area permitted for a home occupation. The applicants are proposing a physiotherapy office with a total ground floor area of 38% within the existing dwelling, where the permitted ground floor area for a home occupation is 25%. Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on January 12, 2022.

PRESENTATIONS

Asavari Jadhav, Junior Planner & Jessica Rahim, Senior Planner; County of Wellington, Township of Wellington North

- Planning Report dated January 18, 2022

Planning Opinion The variance requested would provide relief from the maximum floor area requirements for a Home Occupation (Physiotherapy Office). The applicants are proposing to construct an addition to the existing dwelling in order to operate the home occupation (Physiotherapy Office), which exceeds the permitted ground floor area of 25% (38 m² (409.0 ft²)).

The Committee should be satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law provided that the home occupation remains small scale and secondary to the main use on the property, and that the proposed home occupation would be desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Concession B, Part Lot 23 and is Municipally known as 7644 Highway 6, Geographic Town of Arthur. The property is approximately 0.15 ha (0.37 ac) in size with an existing dwelling, garage, and a shed.

PROPOSAL

The purpose of this application is to provide relief from the maximum ground floor area permitted for a home occupation (Physiotherapy Office) on the subject property. The proposed variance will permit an increased floor area of 38% for the home occupation, whereas the zoning by-law permits a maximum floor area of 25%.

PROVINCIAL POLICY STATEMENT (PPS)

No concerns.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is located within the Urban Center of Arthur and designated Highway Commercial.

As per Section 8.3.8 of the Plan, "A single-detached dwelling unit may include a home occupation provided that the home occupation is a business which is clearly secondary to the residential use and does not generate noise, odour, traffic or visual impacts which may have adverse effect on nearby properties".

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.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Unserviced Residential (R1A) Zone. The applicants are proposing to construct an addition to the existing dwelling in order to operate the physiotherapy office, which exceeds the permitted ground floor size of 25% for a home occupation within a single detached dwelling. The applicants have indicated that they have three (3) types of treatment beds, which will require three (3) rooms for each bed. Therefore, the additional ground floor area being requested is to accommodate the 3 treatment rooms.

The home occupation is to remain incidental and secondary to the main use of the property. The applicants have indicated that there are currently no employees that reside off the subject property, no outdoor storage will be used for the home occupation and a total of 4 parking spaces will be provided on the subject property.

The variance requested would provide relief from Section 6.15 e) of Zoning By-law 66-01 in order to operate a home occupation (Physiotherapy Office) within the single detached dwelling:

General Provisions	Required	Proposed	Difference
Home Occupation Regulations (6.15 e)	25% 38.0 m ² (409.0 ft ²)	38% 56.67 m ² (610.0 ft ²)	13% 18.67 m ² (201.0 ft ²)

CORRESPONDENCE FOR COMMITTEE’S REVIEW

Danielle Walker, Source Protection Coordinator, Wellington Source Water Protection

- Email dated Jan. 12, 2022 (No Objection)

Laura Warner, Resource Planner, Grand River Conservation Authority

- Email dated January 13, 2022 (No comments. Does not contain any features that are regulated by the GRCA.)

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

John Vanderwoerd, agent for applicant, was present to answer questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe inquired if four parking spaces is enough. Ms. Rahim, Senior Planner, explained that a single detached dwelling requires one parking space. There are no considerations defined for parking spaces for home occupation. It was determined that four parking spaces would be adequate.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A01/22, for the property described as Concession B, Part Lot 23 with a civic address of 7644 Highway 6, Arthur to provide the following relief;

1. **THAT an increased Ground Floor Area of 38% be permitted, for a proposed home occupation, whereas the By-Law allows 25%.**

APPROVED

APPLICATION

A02/22 – Amos & Eileen Martin

THE LOCATION OF THE SUBJECT PROPERTY is described as GORE Part Lot A WOSR, Part DIV 1, Part Lot 7 WOSR and is municipally known as 7065 Sideroad 3 W, Wellington North. The subject lands are approximately 1.34 ha (3.31 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the maximum ground floor area and minimum setback requirements for a hobby barn on a lot equalling 1.34 ha (3.31 ac). The applicant is proposing to construct a 130.8 m² (1,408 ft²) hobby barn with a side yard setback of 9.1m (30ft). Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on January 12, 2022.

PRESENTATIONS

Asavari Jadhav, Junior Planner & Jessica Rahim, Senior Planner; County of Wellington, Township of Wellington North

- Planning Report dated January 17, 2022

Planning Opinion: The variance requested would provide relief from the maximum floor area and setback requirements for a hobby barn. The applicants are proposing to construct a new hobby barn with a floor area of 130.8 m² (1,408 ft²) and a side yard setback of 9.1m (30ft).

The proposal is to house their horse and buggy in the hobby barn, which is their method of transportation. The closet dwelling is located approximately 224.33 (736 ft) from the proposed hobby barn and is surrounded by agricultural land. We have no concerns with the requested relief provided the applicable conservation authority is satisfied. The application maintains the general intent and purpose of the Official Plan and Zoning By-law, and would be desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described GORE Part Lot A WOSR, Part DIV 1, Part Lot 7 WOSR and is municipally known as 7065 Sideroad 3 W, Wellington North. The property is approximately 1.34 ha (3.31 ac) in size.

PROPOSAL

The purpose of this application is to provide relief from the maximum ground floor area and minimum side yard setback requirements for a hobby barn on a lot approximately 1.34 ha (3.31 ac) in size. The applicant is requesting permission to construct a 130.8 m² (1,408 ft²) hobby barn to house their horse and buggy with the side yard setback of 9.1m (30ft).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated AGRICULTURAL and a small portion of CORE GREENLANDS. The identified environmental feature is a Saugeen Valley Conservation Authority regulated Hazard Lands. 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.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Agricultural (A) and a small portion is zoned Natural Environment (NE). The current provision permits a hobby barn on lots less than 10.1 ha (25 ac). The subject property is 1.34 ha (3.31 ac) in size which allows for a 37.2m² (400.4 ft²) hobby barn that shall not be located closer than 22.8 m (74.8 ft) from any property line. Due to the shape of the lot and lay of the lands, the proposed location is the best option for the hobby barn. The applicant is proposing to construct a 130.8 m² (1,408 ft²) hobby barn with a side yard setback of 9.1 m (30 ft) to house their horse and buggy. With respect to the impact, the property is surrounded by agricultural uses and the closest dwelling is approximately 224.33 (736 ft) away from the proposed hobby barn. There are no rural residential uses in proximity that may be impacted. The following relief is requested:

Hobby Barn	Permitted	Proposed	Difference
Maximum Ground Floor Area (Section 8.3.1)	37.2m ² (400.4 ft ²)	130.8 m ² (1,408 ft ²)	93.6 m ² (1,007.6 ft ²)
Side Yard Setback (Section 8.3.2 a)	22.8 m (74.8 ft)	9.1 m (30 ft)	13.7 m (44.8 ft)

The variance requested is minor and appropriate for the use of the lot. The applicant has indicated the additional space is required to house their horse and buggy, which is their method of transportation. The variances meet the general intent of the Official Plan and Zoning By-law. I trust that this information will be of assistance to the Committee when making their decision on this application.

CORRESPONDENCE FOR COMMITTEE’S REVIEW

- Michael Oberle, Environmental Planning Technician, Saugeen Conservation
- Letter dated January 13, 2022 (No Objection)

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

No one was present to provide comments or questions.

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions from the Committee.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A02/22, for the property described as GORE Part Lot A WOSR, Part DIV 1, Part Lot 7 WOSR and is Municipally known as 7065 Sideroad 3 W, Wellington North, to provide the following relief;

1. **THAT a Maximum Ground Floor Area of 130.8 m² (1,408 ft²) be permitted, for a proposed hobby barn, whereas the By-Law allows 37.2 m² (400.4 ft²); and**
2. **THAT a reduced Side Yard Setback of 9.1 m (30 ft) be permitted, for a proposed hobby barn, whereas the By-Law requires 22.8 m (74.8 ft).**

APPROVED

ADJOURNMENT

RESOLUTION: CoA 2022-002

Moved: Hern

Seconded: McCabe

THAT the committee of adjustment meeting of January 24, 2022 be adjourned at 7:36 p.m.

Secretary Treasurer

Chair