

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
FEBRUARY 6, 2023 @ 2:00 P.M.
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING**

Members Present:

**Chairperson: Andrew Lennox
Sherry Burke VIA ZOOM
Lisa Hern
Steve McCabe
Penny Renken VIA ZOOM**

Staff Present:

**Chief Administrative Officer: Brooke Lambert
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Chief Building Official: Darren Jones
Economic Development Officer: Dale Small
Human Resources Manager: Amy Tollefson
Director of Finance: Farhad Hossain
Director of Operations: Matthew Aston
Recreation Community Coordinator: Tasha Grafos
Manager, Environmental and Development Services: Corey Schmidt
Risk Management Officer: Kyle Davis
Manager, Recreation Services: Tom Bowden
Manger of Development Planning: Curtis Marshall
Senior Planner: Matthieu Daoust**

CALLING TO ORDER - Chairperson Lennox

Chairperson Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interested disclosed.

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, December 5, 2022 (A22/22)

RESOLUTION: CoA 2023-001

Moved: Burke

Seconded: McCabe

THAT the Committee of Adjustment meeting minutes of December 5, 2022 – A22/22 be adopted as presented.

CARRIED

APPLICATION

A23/22 – Cobblestone Diversions Inc.

THE LOCATION OF THE SUBJECT PROPERTY is described MT F SVY WYLIES LOT 6 PT LOT;5 DESC INCL RP 61R5862 PART 2 and is municipally known as 405 Durham St W. The property is approximately 1,240 m² (0.3 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum rear yard setback and permit a permanent parking space to be located in front of the wall of the dwelling for an existing residence on the retained parcel. This minor variance

is a condition of severance application B113-22, B114-22 and B115-22, that was granted provisional approval by the Wellington County Land Division Committee. 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 13, 2023.

PRESENTATIONS

Matthieu Daoust, Senior Planner and Asavari Jadhav, Junior Planner, County of Wellington, Township of Wellington North

- Planning Report dated February 6, 2023

Planning Opinion: The variance requested would provide relief for an existing single detached dwelling from the minimum rear yard setback and to permit permanent parking space to be located in front of the wall of the dwelling. This variance is associated with consent applications B113/22, B114/22 and B115/22, that was granted provisional approval by the Wellington County Land Division Committee. The subject land is approximately 1,240 m² (13,347.25 ft²) in size with an existing dwelling.

Planning staff have no concerns with the relief requested. 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 as MT F SVY WYLIES LOT 6 PT LOT;5 DESC INCL RP 61R5862 PART;2 and is Municipally known as 405 Durham St W, Mount Forest. The property is approximately 1,240 m² (13,347.25 ft²) in size with an exiting dwelling.

PROPOSAL

The purpose of this application is to provide relief from the minimum rear yard setback and to permit permanent parking space to be located in front of the wall of an existing single detached dwelling on the severed parcel 3 (Figure 2). This variance is associated with consent applications B113/22, B114/22 and B115/22, that was granted provisional approval by the Wellington County Land Division Committee.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated RESIDENTIAL located within the Urban Center of Mount Forest. 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 Low Density Residential (R1C). The applicant is requesting relief for an existing single detached dwelling (severed parcel 3) from the minimum rear yard setback and to permit permanent parking space to be located in front of the wall of the dwelling required the following variances:

Regulations	Permitted	Proposed	Difference
Rear Yard Setback (Section 11.2.6)	7.6 m (24.9 ft.)	5.6 m (18.37 ft.)	2 m (6.53 ft.)
Location of Parking Areas and Spaces (Section 6.27.4)	All parking spaces within a residential zone shall be to the rear of the front wall of the main building	To permit a permanent parking spaces in front of the front wall of the main building	N/A

The variance requested is to satisfy a condition of severance application B113/22, B114/22 and B115/22, that was granted provisional approval by the Wellington County Land Division Committee. The variance requested is minor and meets the general intent of the Official Plan and Zoning By-law.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Danielle Walker, Source Protection Coordinator, Wellington Source Water Protection

- Email dated January 18, 2023 (No Objection)

Michael Oberle, Environmental Planning Coordinator, Saugeen Conservation

- Letter dated January 25, 2023 (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

Jeff Buisman, Van Harten Surveying Inc., Agent for the application, was present to provide comments and answer questions. He explained that a lot line adjustment from 305 Perth St. was to create a parcel for three lots. A variance is required for the existing home's rear yard setback and to permit permanent parking spaces to be located in front of the wall of the dwelling.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor Burke inquired if there were any concerns with sitelines on the corner property. Mr. Buisman commented that the lot has a side yard that puts the house quite a distance away from the corner so parked cars won't in the site line.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A23/22, for the property described as MT F SVY WYLIES LOT 6 PT LOT;5 DESC INCL RP 61R5862 PART 2, with a civic address of 405 Durham St W, Mount Forest, to provide the following relief;

1. **THAT a reduced Rear Yard Setback of 5.6m (18.37 ft) be permitted, for an existing residential single detached dwelling, whereas the By-law requires 7.6m (24.9 ft).**
2. **THAT a permanent parking space in front of the front wall of the main building, be permitted for an existing residential single detached dwelling, whereas the By-law requires all parking spaces within a residential zone to be located to the rear of the front wall of the main building.**

APPROVED

APPLICATION

A24/22 – Cordon Canada Ltd.

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 22 and is municipally known as 250 Main Street S, Mt Forest. The property is approximately 654.39 m² (0.16 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum width requirements for a proposed driveway. The proposed variance will permit a reduced driveway width of 3 m (9.84 ft) whereas the By-law requires a minimum width of 6 m (19.6 ft). Additionally, relief is sought to permit one residential unit to be located on the main floor of a commercial use, occupying 50% of the ground floor area. 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 13, 2023.

PRESENTATIONS

Matthieu Daoust, Senior Planner, County of Wellington, Township of Wellington North

- Planning Report dated February 6, 2023

Planning Opinion: The variance requested would provide relief from Section 16.3b which states that accessory residential use shall be located above the main commercial use. In addition, the applicant is seeking additional relief to permit a 3m driveway whereas the By-law requires 6m (width).

Planning Staff have concerns with the proposed residential unit located on the main floor which is within the required commercial area. The intent of the Accessory Residential Use provisions is to permit an accessory residential use to a main commercial use. Furthermore, the intent is that commercial uses is to be the primary use within the Central Business District. Planning Staff recommend that the residential bedroom (See Figure 2) be removed from the ground floor of the proposed development and that the ground floor be solely used as commercial space.

Planning Staff have no concerns with the proposed 3m driveway entrance however do not support the request for a residential unit to be located on the main floor. The Committee should be satisfied with the requested relief and should be satisfied that 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 as Part Lot 22 and is Municipally known as 250 Main St S. The property is approximately 679 m² (7,309 ft²) in size.

PROPOSAL

The purpose of this application is to permit a residential unit to be located on the ground floor of a commercial unit and permit a 3m driveway where as the By-law requires 6m (width).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated CENTRAL BUSINESS DISTRICT. 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 Central Commercial Zone (C1). The applicant is proposing to build a two story mixed used building and requires the following variance:

Accessory Residential Uses	Permitted	Proposed	Difference
Residential Use Location (Section 16.3b)	Above Commercial use	Ground floor and above commercial use	Ground floor of Commercial Use
Access to Parking Spaces (Section 6.27.2)	6 m (19.6 ft)	3 m (9.8 ft)	3 m (9.8 ft)

Planning staff have concerns with proposed floor plan and would recommend the applicant eliminate and convert the area on the ground floor to commercial (which is proposed for residential).

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Michael Oberle, Environmental Planning Coordinator, Saugeen Conservation

- Letter dated January 16, 2023 (No Objections)

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

A 24/22 Cordon Canada Ltd. – Alam Makur, Intequa Designs, was present to represent the Applicant. He commented that they started this project with a ground floor residential unit before the zoning by-law for the municipality changed to no longer permit residential units on the ground floor in a commercial area.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor Renken asked how many cars can be parked in the driveway, and what would be the outcome if a ground floor residential unit wasn't allowed. Mr. Makur explained that there will be no parking on the driveway, parking will be in the rear of the building. If a ground floor residential unit wasn't allowed, they would have to redesign the proposal.

Councillor Burke questioned if there could be consideration to increase the size of the main floor commercial and reduce the residential portion. Mr. Makur stated that the residential unit could be made smaller.

Mayor Lennox commented that the recommendation is to approve the variance for the driveway but to deny the residential unit on the main floor. He inquired if this application could be deferred to give opportunities to expand changes. Matthieu Daoust, Senior Planner, explained that the application was submitted in 2022 prior to a housekeeping amendment disallowing ground floor residential units in commercial areas. Mayor Lennox

suggested a decision be deferred to allow the applicant to work on the design. Councillor McCabe supported deferral.

Councillor Burke and Councillor Renken were supportive of having some residential on the ground floor as the application was submitted when it was allowed.

Councillor Hern stated she would prefer to have all commercial on the ground floor; but, she can appreciate that there has been a change in what is permitted.

Curtis Marshall, Manger of Development Planning suggested that if the Committee defers the decision they can work with the applicant and bring it back to a future meeting.

DECISION

RESOLUTION: CoA 2023-002

Moved: Burke

Seconded: Hern

THAT the Committee of Adjustment defer their decision on Application A24/22 – Cordon Canada Ltd.

CARRIED

ADJOURNMENT

RESOLUTION: CoA 2023-003

Moved: Hern

Seconded: Renken

THAT the Committee of Adjustment meeting of February 6, 2023 be adjourned at 3:09 p.m.

CARRIED

DocuSigned by:
Karren Wallace
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Secretary Treasurer

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Chair