

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT  
AUGUST 14, 2023 @ 2:00 P.M.  
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING**

**HOW TO JOIN**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/87546276781>

Description: Public Meeting Under the Planning Act

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

855 703 8985 (Toll Free) or 1 438 809 7799 (*long distance charges may apply*)

Webinar ID: 875 4627 6781

**PAGE  
NUMBER**

**CALLING TO ORDER** - Chairperson Lennox

**DISCLOSURE OF PECUNIARY INTEREST**

A08/23 5053745 Ontario Inc.

**MINUTES OF PREVIOUS MEETING(S)**

- Committee of Adjustment, July 10, 2023 (A07/23)

3

Recommendation:

THAT the Committee of Adjustment meeting minutes of July 10, 2023 – A07/23 be adopted as presented.

**APPLICATION**

A08/23 5053745 Ontario Inc.

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Lot 7 Plan 61M253 and is municipally known as 153 Jack's Way. The property is approximately 0.06 ha (608.30 m<sup>2</sup>) in size. The location of the property is shown on the map attached.

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**THE PURPOSE AND EFFECT** of the application is to provide relief from the minimum rear yard setback for a single detached residential dwelling. The applicant is proposing to construct a new single detached residential dwelling with a reduced minimum rear yard setback of 7.52 m (24.67 ft). 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 July 28, 2023.

## PRESENTATIONS

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

- Planning Report dated August 14, 2023 7

## CORRESPONDENCE FOR COMMITTEE'S REVIEW

Kim Funk, Source Protection Coordinator, Wellington Source Water Protection

- Email dated August 1, 2023 (No Objection) 10

## 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

## COMMENTS/QUESTIONS FROM THE COMMITTEE

## DECISION

CALL FOR VOTE: SHOW OF HANDS (no mover/seconder required)

*THAT* the minor variance applied for in Application A08/23, for the property described as Lot 7 Plan 61M253, with a civic address of 153 Jack's Way, to provide the following relief;

1. **THAT a reduced Rear Yard Setback of 7.52 m (24.67 ft) be permitted, for a proposed single detached residential dwelling, whereas the By-Law requires 7.6 m (24.9 ft).**

## ADJOURNMENT

Recommendation:

*THAT* the committee of adjustment meeting of August 14, 2023 be adjourned at

\_\_\_\_\_.

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT  
JULY 10, 2023 @ 2:00 P.M.  
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING  
<https://www.youtube.com/watch?v=FQ79ez4-wmQ>**

**Members Present:**

**Chairperson:  
Members:**

**Andrew Lennox  
Sherry Burke  
Steve McCabe  
Penny Renken**

**Member Absent:**

**Lisa Hern**

**Staff Present:**

**Chief Administrative Officer: Brooke Lambert  
Director of Legislative Services/Clerk: Karren Wallace  
Deputy Clerk: Catherine Conrad  
Chief Building Official: Darren Jones  
Human Resources Manager: Amy Tollefson  
Acting Treasurer: Mary Jo Marshall  
Recreation Community Coordinator: Tasha Grafos  
Manager of Transportation Services: Dale Clark  
Director of Fire Services: Chris Harrow  
Senior Planner: Matthieu Daoust**

**CALLING TO ORDER - Chairperson Lennox**

Chairperson Lennox called the meeting to order.

**DISCLOSURE OF PECUNIARY INTEREST**

No pecuniary interest disclosed.

**MINUTES OF PREVIOUS MEETING(S)**

- Committee of Adjustment, June 19, 2023 (A06/23)

RESOLUTION: 012-2023

Moved: Renken

Seconded: McCabe

THAT the Committee of Adjustment meeting minutes of June 19, 2023 – A06/23 be adopted as presented.

CARRIED

**APPLICATION**

A07/23 Pravinchandra & Sejalben Patel

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Plan 61M140 Lot 6 and is municipally known as 120 Schmidt Drive, Arthur. The property is approximately 0.07 ha (0.17 ac) in size.

**THE PURPOSE AND EFFECT** of the application is to provide relief from minimum width requirements for a proposed private garage. The proposed variance will permit a reduced width of 5.12 m (16.83 ft) whereas the By-law requires a minimum width of 6 m (19.6 ft) for 2 cars. 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 June 27, 2023.

## PRESENTATIONS

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

- Planning Report dated July 10, 2023

### Planning Opinion:

The variance requested would provide relief from the minimum width for a private garage. The applicants are proposing to add an additional residential unit in the basement. As a result, an additional permanent parking space is required. The applicant is proposing to make use of the existing 5.12 m (16.83 ft) wide private garage, whereas the bylaw requires a minimum garage width of 6.0 m (19.6 ft) to park two vehicles.

We have no concerns with the requested relief and are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law, and the request is desirable and appropriate for the development of the subject property.

### SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Plan 61M140 Lot 6 and is Municipally known as 120 Schmidt Drive, Arthur. The property is approximately 0.07 ha (0.17 ac) in size.

### PROPOSAL

The purpose of this application is to provide relief from the minimum width for a private garage. The applicants are proposing to add an additional residential unit in the basement. As a result, an additional permanent parking space is required. The applicant is proposing to make use of the existing 5.12 m (16.83 ft) wide private garage, whereas the bylaw requires a minimum garage width of 6.0 m (19.6 ft) to park two vehicles.

### WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated RESIDENTIAL located within the Urban Center of Arthur. 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 Residential (R1C). The applicant is proposing to add an additional residential unit in the basement and requires an additional permanent parking space. The applicant is proposing to make use of the existing 5.12 m (16.83 ft) wide private garage to park two vehicles and requires the following variance:

<b>Parking Regulations</b>	<b>Required Width</b>	<b>Proposed Width</b>	<b>Difference</b>
<b>Size of Parking Spaces</b> (Section 6.27.1)	6.0 m (19.6 ft)	5.12 m (16.83 ft)	0.88 m (2.77 ft)

The variance requested is minor and appropriate for the use of the lot. The applicant is proposing to add an additional residential unit in the basement. As a result, an additional permanent parking space is required. Further, the applicant has submitted a picture of the garage demonstrating that two vehicles can fit in the existing garage (Attachment 1). The variance meets the general intent of the Official Plan and Zoning By-law.

### **CORRESPONDENCE FOR COMMITTEE'S REVIEW**

Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority

- Email dated June 27, 2023 (No Objection)

Danielle Walker, Source Protection Coordinator, Wellington Source Water Protection

- Email dated June 29, 2023 (No Objection)

Shanna Toale, 112 Schmidt Drive

- Email dated July 10, 2023 (concerns related to fire risks)

### **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**

Pravin Patel and Tirth Patel were present to answer questions. Tirth Patel suggested they could address Ms. Toale's concerns with fireproofing in the garage.

### **COMMENTS/QUESTIONS FROM THE COMMITTEE**

Member McCabe stated he was okay with approving the request if the concerns were addressed. He questioned if there is parking in the backyard. Darren Jones, CBO, commented that the sideyard setback is only 1.2m so vehicles could not get to the backyard. This application would not change that. He further provided that once the minor variance is approved the applicant will have to apply for a building permit and follow the building code. There is no need to involve the fire department.

### **DECISION**

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A07/23, for the property described as Plan 61M140 Lot 6, with a civic address of 120 Schmidt Drive, to provide the following relief;

1. **THAT a reduced width of 5.12 m (16.83 ft) be permitted, for an existing private garage to allow for an additional permanent parking space for an additional residential unit in the basement, whereas the By-law requires 6.0 m (19.6 ft).**

APPROVED

### **ADJOURNMENT**

RESOLUTION: 012-2023

Moved: Burke

Seconded: McCabe

THAT the committee of adjustment meeting of July 10, 2023 be adjourned at 2:15 p.m.

CARRIED

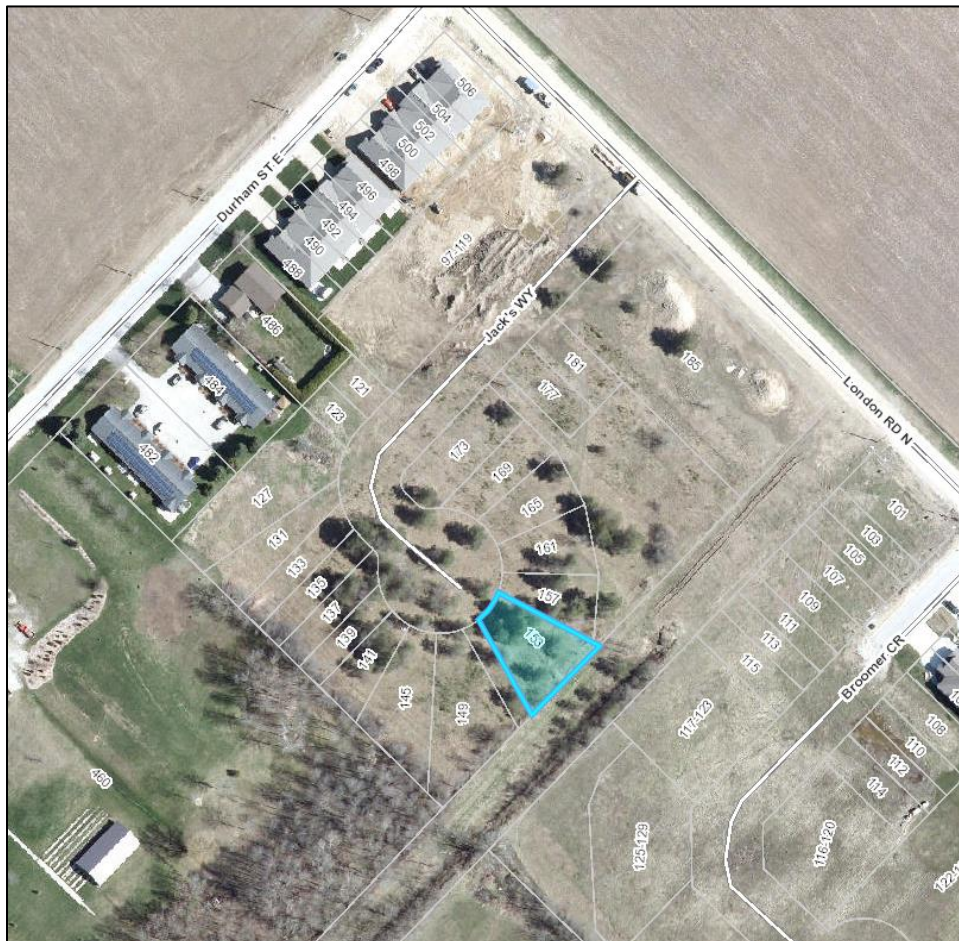
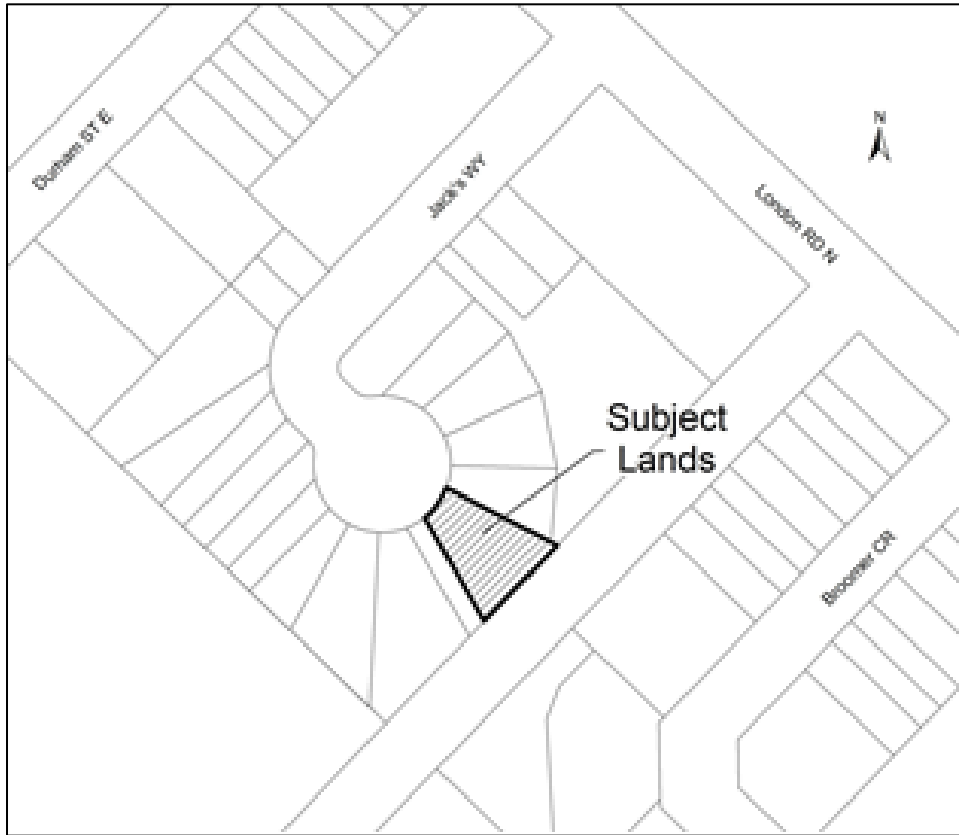
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**MAYOR**

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**CLERK**

5053745 ONTARIO INC.





## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR  
TEL: (519) 837-2600  
FAX: (519) 823-1694  
1-800-663-0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

August 14<sup>th</sup>, 2023

Mr. Darren Jones, Chief Building Official  
Township of Wellington North Committee of Adjustment  
7490 Sideroad 7 West  
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

**Re: Minor Variance Application - A08/23**  
**153 Jack's Way**  
**Lot 7 Plan 61M253**  
**5053745 Ontario Inc.**

We have reviewed the application for minor variance and provide the following comments. Please be advised that these comments were formulated without the benefit of a site visit.

**Planning Opinion:** The variance requested would provide relief from the minimum rear yard setback for a single detached residential dwelling. The applicant is proposing to construct a new single detached residential dwelling with a minimum rear yard setback of 7.52 m (24.67 ft).

We have no concerns with the requested relief and are 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 Lot 7 Plan 61M253 and is municipally known as 153 Jack's Way. The property is approximately 0.06 ha (608.30 m<sup>2</sup>) in size. The location of the property is shown on Figure 1.

### PROPOSAL

The purpose of this application is to provide relief from the minimum rear yard setback for a single detached residential dwelling. The applicant is proposing to construct a new single detached residential dwelling with a minimum rear yard setback of 7.52 m (24.67 ft).



Figure 1. 2020 Aerial photo of subject lands

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated RESIDENTIAL within the Urban Centre 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 Residential Zone (R2). The applicant is proposing to construct a new single detached residential dwelling unit and require the following variance:

<b>Lot Regulations</b> Section 12.2.1.6	<b>Permitted</b>	<b>Proposed</b>	<b>Difference</b>
<b>Rear Yard, Minimum</b>	7.6 m (24.9 ft)	7.52 m (24.67 ft)	0.08 m (0.23 ft)

The variance requested is minor and appropriate for the use of the lot. The variance meets 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.

Yours truly,



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Asavari Jadhav  
Junior Planner

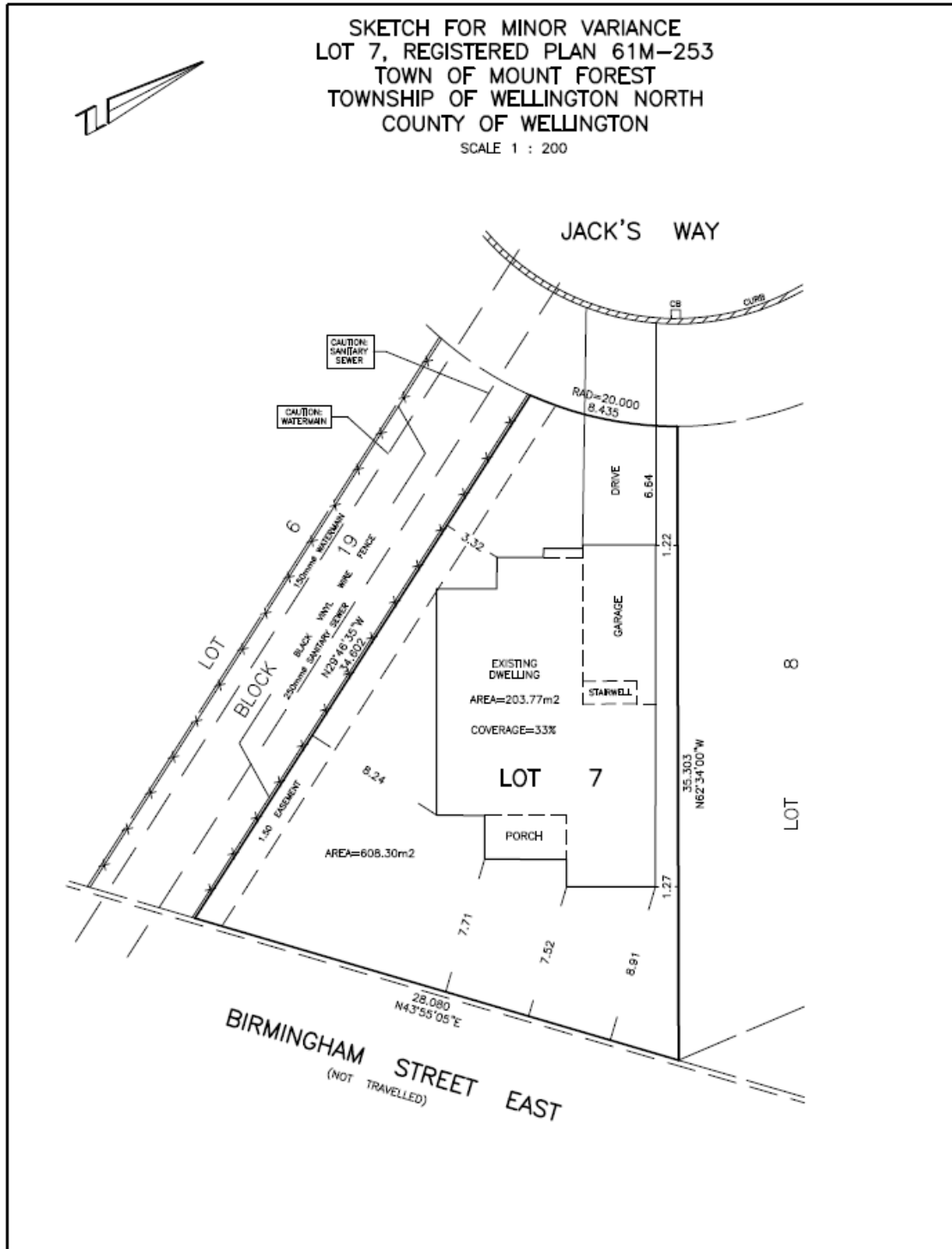


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Matthieu Daoust, MCIP RPP  
Senior Planner



Attachment: Application Site Plan



<p>JAMES M. LAWS, D.L.S.</p>	<p><b>CAUTION:</b></p> <ul style="list-style-type: none"> <li>- THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.</li> <li>- THIS LOT MAY CONTAIN STRUCTURAL FILL.</li> <li>© - THIS SKETCH IS PROTECTED BY COPYRIGHT.</li> </ul>	<p><b>NOTE:</b></p> <p>LOT DIMENSIONS AREA AS SHOWN ON REGISTERED PLAN 61M-253 AND HAVE NOT BEEN VERIFIED BY SURVEY.</p> <p>PROPOSED BUILDING POSITIONED BY CALCULATION, NOT BY ACTUAL SURVEY.</p>	<p><b>ZONING: R2 - SINGLE-DETACHED</b></p> <p>FRONT YARD - 6.00 MIN.          FRONT YARD - 3.00 MIN. TO PORCH          SIDE YARD - 1.20 MIN.          REAR YARD - 7.60 MIN.*          COVERAGE - 40% MAX.</p>
<p>VAN HARTEN          July 17, 2023</p>	<p><b>Van Harten</b>          SURVEYING INC.          LAND SURVEYORS and ENGINEERS</p> <p>KITCHENER/WATERLOO GUELPH ORANGEVILLE          519-742-8371 519-821-2763 519-940-4110</p> <p>www.vanharten.com info@vanharten.com</p>	<p>FOR: WILSON DEVELOPMENTS</p> <p>PROJECT NO. 31147-22</p> <p>DATE: JULY 17, 2023</p> <p>AMENDED: p07 TWL</p> <p>JUL 17, 2023 - 7:18am          G:\WELLINGTON NORTH\61M-253 Mount Forest\61M-253.p07.dwg</p>	<p><b>*MINOR VARIANCE REQUEST</b></p> <p>MINIMUM REAR YARD ALLOWANCE IN THE R2 ZONING IS 7.60.</p> <p>MINOR VARIANCE TO ALLOW A 7.52m REAR YARD. RELIEF REQUESTED IS 0.08m.</p>

## Tammy Pringle

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**From:** Source Water <sourcewater@centrewellington.ca>  
**Sent:** August 1, 2023 11:52 AM  
**To:** Tammy Pringle  
**Cc:** Source Water  
**Subject:** RE: NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE: A08/23 153 Jack's Way  
**Attachments:** WHPA\_Map\_JacksWay\_153.pdf

Hi Tammy,

Thank you for providing the above referenced application for review. Since this property is located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), but the activity(ies), as indicated, would not create a significant drinking water threat, the application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*. Please note that we may provide comments on any future planning applications subject to this property, given the vulnerable areas.

I have attached a map showing the property and Wellhead Protection Areas for your reference.

If you have any further questions regarding this application, or in the event of any technical problem with the email or attachments, please contact me.

Thanks,

Kim

Kim Funk | Source Protection Coordinator

Wellington Source Water Protection | 1 MacDonald Square, Elora, ON, N0B 1S0  
519.846.9691 x283 | [kfunk@centrewellington.ca](mailto:kfunk@centrewellington.ca) | [www.wellingtonwater.ca](http://www.wellingtonwater.ca)  
Toll free: 1-844-383-9800

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**From:** Tammy Pringle <tpringle@wellington-north.com>  
**Sent:** Friday, July 28, 2023 9:06 AM  
**Subject:** NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE: A08/23 153 Jack's Way

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

### TOWNSHIP OF WELLINGTON NORTH COMMITTEE OF ADJUSTMENT

#### NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE

*Planning Act, R.S.O. 1990, Chap.P.13, ss.45 (5)*  
**A08/23**

**TAKE NOTICE** that an application for minor variance, under the above file number has been submitted to the Committee of Adjustment for the Township of Wellington North. The Committee will give consideration to the minor variance application on:

**Monday, August 14, 2023 @ 2:00 p.m.**

**HOW TO JOIN**

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/87546276781>

Description: Public Meeting Under the Planning Act

Join by phone:

Dial: 855 703 8985 (Toll Free) or 1 438 809 7799 (*long distance charges may apply*)

Webinar ID: 875 4627 6781

Or

Attend in person:

Township of Wellington North Administration Office, Council Chambers  
7490 Sideroad 7 West, Kenilworth

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Lot 7 Plan 61M253 and is municipally known as 153 Jack's Way. The property is approximately 0.06 ha (608.30 m<sup>2</sup>) in size. The location is shown on the map below.

**THE PURPOSE AND EFFECT** of the application is to provide relief from the minimum rear yard setback for a single detached residential dwelling. The applicant is proposing to construct a new single detached residential dwelling with a reduced minimum rear yard setback of 7.52 m (24.67 ft). Other variances may be considered where deemed appropriate.

## Tammy Pringle

Development Clerk, *Township of Wellington North*

519.848.3620 ext. **4435** | 7490 Sideroad 7 W, PO Box 125, Kenilworth, ON N0G 2E0

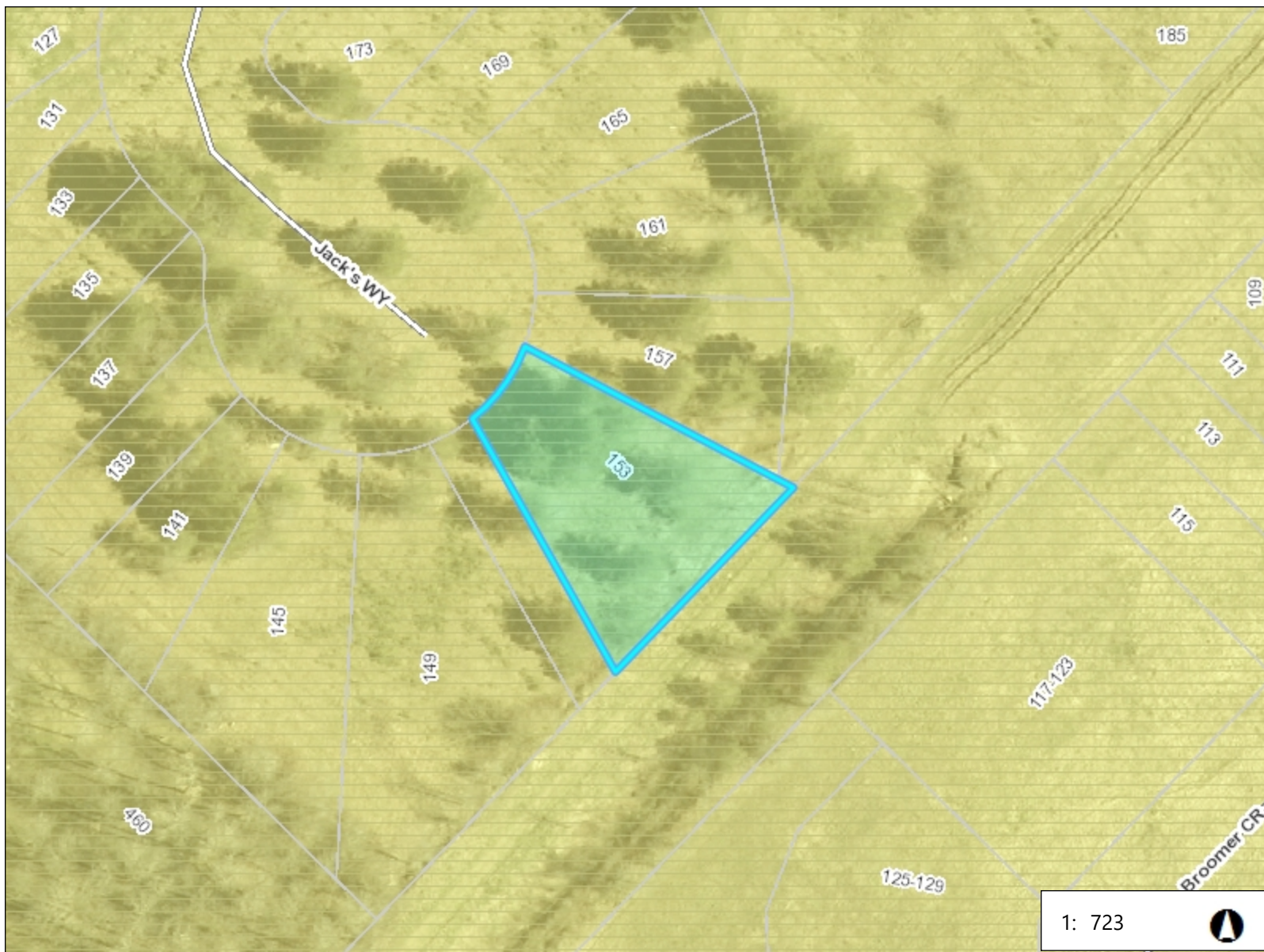
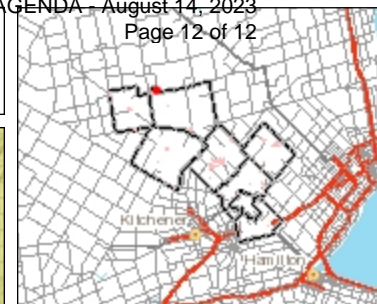


### ***Focused on Building Capacity***

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153 Jack's Way, Mount Forest



Legend

- Parcels
- Roads**
  - Local Road
  - County Road
  - Highway
- Well Locations**
  - Existing
  - Proposed
- Issue Contributing Area**
  - Chloride
  - Nitrate
  - Sodium
  - TCE
- Wellhead Protection Area**
  - A
  - B
  - C
  - D
- Vulnerability Score**
  - 10
  - 8, D; 8; 8, C
  - 2, 4, 6 (A, B or C)
  - 2,4,6, D; 2,4, D; 2, 4, 6 (D); 4, D; 6,
- SGRA
- RoadsLookup

1: 723

0.0 0 0.02 0.0 Kilometers



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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THIS IS NOT SURVEY DATA. Parcels - Teranet 2002, Wellington County 2022

Notes