

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
JANUARY 15, 2024 AT 2:00 P.M.
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING
<https://www.youtube.com/watch?v=37VOqTqxjWw>**

Members Present:
Chair: Andrew Lennox
Members: Sherry Burke
Lisa Hern (via Zoom)
Steve McCabe
Penny Renken

Staff Present:
Chief Administrative Officer: Brooke Lambert
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Director of Finance: Jerry Idialu
Human Resources Manager: Amy Tollefson
Manager Community & Economic Development: Mandy Jones
Community Recreation Coordinator: Tasha Grafos
Economic Development Officer: Dale Small
Senior Project Manager: Tammy Stevenson
Manager Environment & Development Services: Corey Schmidt
Recreation Service Manager: Tom Bowden
Manager of Development Planning: Curtis Marshall
Senior Planner: Jessica Rahim

CALLING TO ORDER

Chair Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest disclosed.

MINUTES OF PREVIOUS MEETING

Committee of Adjustment, December 11, 2023 (A13/23, A14/23, A16/23, A17/23)

RESOLUTION: COA 001-2024

Moved: Burke

Seconded: Renken

THAT the Committee of Adjustment meeting minutes of December 11, 2023 – A13/23, A14/23, A16/23 & A17/23 be adopted as presented.

CARRIED

APPLICATION

A20/23 – John & Helena Klassen

THE LOCATION OF THE SUBJECT PROPERTY is described PLAN CROWN SURVEY PT PARK; LOT 8 RP 61R21412 PART 1 and municipally known as 7820 Wellington RD 109. The property is approximately 0.50 ha (1.24 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the maximum height for an accessory structure. The applicant is proposing to build a shed for personal recreational activities with a height of 22.8 ft (6.94 m). 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 2, 2024.

PRESENTATIONS

Jessica Rahim, Senior Planner and Jamie Barnes, Junior Planner, County of Wellington, Township of Wellington North

- Planning Report dated December 18, 2023

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 maximum height for an accessory structure. The applicant is proposing to construct a new shed for personal recreational activities. The shed is proposed to have a maximum height of 6.94m (22.8 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 Plan Crown Survey; LOT 8 RP 61R21412 Part 1 and is municipally known as 7820 Wellington RD 109. The property is approximately 0.50 ha (1.24 ac) in size.

PROPOSAL

The purpose of this application is to provide relief from the maximum height for an accessory structure. The applicant is proposing to construct a new shed for personal use which will include indoor space for recreational activities. The shed is proposed to have a maximum height of 6.94m (22.8ft).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated FUTURE DEVELOPMENT within the Primary Urban Centre of Arthur. A portion of the subject property is designated as CORE GREENLANDS with identified environmental features including Grand River Conservation Authority Slope Valley and Slope Erosion Allowance. The proposed accessory building is located outside of the Core Greenlands designation on the subject 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 Unserviced Residential Zone (R1A). The applicant is proposing to construct a new shed and requires the following variance:

General Regulations	Permitted	Proposed	Difference
Height, Maximum Section 6.1.3 a	4.57 m (15 ft)	6.94 m (22.8 ft)	2.37 m (7.8 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.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Allan Hodgins, Corridor Management Planner, The Ministry of Transportation of Ontario

- Email dated January 3, 2024 (No Objection)

Kyle Davis, Risk Management Official, Wellington Source Water Protection

- Section 59 Notice – Restricted Land Use Notice, No Prohibition or Risk Management Plan Required

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 COMMENTS/QUESTIONS

John Klassen, Applicant, was present to answer questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe inquired why the Grand River Conservation Authority had no comment when the property backs onto the Conestogo River. Jessica Rahim, Planner, explained that the application would have been circulated to the GRCA. If we didn't receive comment, it may be that they didn't have any concerns. It is located outside of the core greenlands and does meet the setbacks in our Zoning By-law. Mayor Lennox commented that due to elevation flooding is not likely to be an issue.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A20/23, for the property described as PLAN CROWN SURVEY PT PARK; LOT 8 RP 61R21412 PART 1, with a civic address of 7820 Wellington RD 109, to provide the following relief;

1. THAT an increased Maximum Height of 6.94 m (22.8 ft) be permitted, for a proposed accessory building (shed), whereas the By-Law allows 4.57 m (15 ft).

APPROVED

APPLICATION

A21/23 – Pinestone Construction

THE LOCATION OF THE SUBJECT PROPERTY is described as Part 19 & 20, Plan 61R-22549, geographic Town of Arthur, with a civic address of 243 and 245 Schmidt Drive. The subject land is approximately 0.08 ha (0.19 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum front yard landscaped area requirements and to permit a permanent parking space to be located in front of the wall of the main dwelling (within the driveway). The applicants are proposing to construct an additional dwelling unit (ADU) in each semi-detached unit on the lot. 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 2, 2024.

PRESENTATIONS

Jessica Rahim, Senior Planner and Jamie Barnes, Junior Planner, County of Wellington, Township of Wellington North

- Planning Report dated December 21, 2023

We have reviewed the application for minor variance and provide the following comments.

Planning Opinion: The variance requested would provide relief from the minimum front yard landscaped requirements and to permit a permanent parking space to be located in front of the wall of the main dwelling (within the driveway). The applicants are proposing to construct an additional dwelling unit (ADU) in each semi-detached unit.

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 properties is described as Part 19 & 20, Plan 61R-22549 and are municipally known as 243 & 245 Schmidt Drive. The subject land is approximately 0.08 ha (0.19 ac) in size.

PROPOSAL

The purpose of this application is to provide relief from the minimum front yard landscaped area requirements and to permit a permanent parking space to be located in front of the wall of the main dwelling (within the driveway). The applicants are proposing to construct an additional dwelling unit (ADU) in each semi-detached unit. The subject property is zoned Residential (R2), which permits a semi-detached dwelling and one (1) attached ADU per lot.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated RESIDENTIAL within the Urban Centre 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.

Section 4.4.6 of the County Official Plan establishes policies specific to Additional Residential Units (ARU's). Section 4.4.6.1 further establishes policies permitting one ARU within the Main Residence. Local municipalities shall enact zoning provisions and should considered the following: "a) that safe road access can be provided; c) that adequate off-street parking can be provided on site for both the main residence and additional residential unit; d) that any exterior alterations to the main residence, necessary to accommodate the Additional Residential Unit, are minimized to reduce visual impacts on the streetscape; e) that adequate amenity areas are provided for the main residence and Additional Residential Unit".

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Residential Zone (R2). The applicant is proposing to construct an ADU within the semi-detached dwelling and require the following variances:

Regulations for Semi-detached Dwelling	Permitted	Proposed	Difference
Front Yard, Minimum Landscape Requirement (Section 12.3 ii)	50%	35%	15%
Location of Parking Area & 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 minor and appropriate for the use of the lot. The variance meets the general intent of the Official Plan and Zoning By-law. The dwelling is setback from the road which provides for a 12 m (39.4 ft) long driveway. This will allow for the permanent parking space to be setback from the roadway and located outside the required front yard. I trust that this information will be of assistance to the Committee when making their decision on this application.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Danielle Walker, Source Protection Coordinator, Wellington Source Water Protection

- Email dated January 2, 2024 (No Objection)

Allan Hodgins, Corridor Management Planner, The Ministry of Transportation of Ontario

- Email dated January 3, 2024 (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 COMMENTS/QUESTIONS

David Kooiman, Pinestone Construction, was present to answer any questions regarding the application.

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 A21/23, for the property described as Part 19 & 20, Plan 61R-22549, with a civic address of 243 and 245 Schmidt Drive, to provide the following relief;

1. THAT a reduced Front Yard Minimum Landscape Area of 35% be permitted, for each of the semi-detached dwelling units, whereas the By-law requires 50%.
2. THAT one permanent parking space be permitted in front of the front wall of each of the semi-detached dwelling units, provided it is not within the front yard setback, to facilitate an additional dwelling unit (attached).

APPROVED

ADJOURNMENT

RESOLUTION: COA 002-2024

Moved: McCabe

Seconded: Hern

THAT the Committee of Adjustment meeting of January 15, 2024 be adjourned at 2:38 p.m.

CARRIED

DocuSigned by:

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CHAIRPERSON

DocuSigned by:
Karren Wallace
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SECRETARY TREASURER