

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT – OCTOBER 12, 2021 @ 2:00 P.M.
VIA WEB CONFERENCING <https://www.youtube.com/watch?v=bKRzrglYiMc>

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
Economic Development Officer: Dale Small
Chief Building Official: Darren Jones
Building Inspector: Natalie Jackson
Human Resources Manager: Chanda Riggi
Director of Fire Services: Chris Harrow
Manager of Development Planning: Curtis Marshall
Senior Planner: Jessica Rahim
Planner: Matthieu Daoust

CALLING TO ORDER - Chairperson Lennox

Chairperson Lennox called the meeting to order at 2:04 p.m.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest disclosed.

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, September 13, 2021 (A14/21)

RESOLUTION: CoA 2021-018

Moved: McCabe

Seconded: Burke

THAT the Committee of Adjustment meeting minutes of September 13, 2021 – A14/21 be adopted as presented.

CARRIED

APPLICATION

A13/21 – Blue Grotto Global Investments Inc.

THE LOCATION OF THE SUBJECT PROPERTY is described as Survey Carroll Lot 1 and is municipally known as 137 Smith St, Arthur. The property is approximately 0.1 ha (0.25 ac) in size.

THE PURPOSE AND EFFECT of the application is to permit a portion of the accessory residential use in the side of the main commercial use and permit 72% of the ground floor area to be a residential use. The applicants are proposing to add two additional residential units on the main floor of the existing commercial/residential use. 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 September 21, 2021.

PRESENTATIONS

Matthieu Daoust, Planner, County of Wellington, Township of Wellington North reviewed his Planning Report dated October 1st, 2021.

Planning Opinion: The variance requested would provide relief from Section 16.3b which states that accessory residential use shall be located above or to the rear of the commercial use. In addition, the applicant is seeking additional relief to permit 72% of the ground floor area to be a residential use.

Planning Staff have concerns with the proposed floorplan/configuration and do not support the inclusion of the residential use in the front portion of the building which is within the required commercial area. The intent of the Accessory Residential Use provisions are to permit an accessory residential use to a main commercial use. Furthermore, the intent is that commercial uses are to be maintained at the street front within the Central Business District. Planning Staff recommend that the residential bedroom (See Figure 2) be removed from the front portion of the building. This area should remain commercial. Planning Staff could be in a position to support the application if this change was made.

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 Survey Carroll Lot 1 and is Municipally known as 137 Smith St. The property is approximately 0.1 ha (0.25 ac) in size.

PROPOSAL

The purpose of this application is to permit a portion of the accessory residential within the front portion of the main commercial use and permit 72% of the ground floor area to be a residential use.

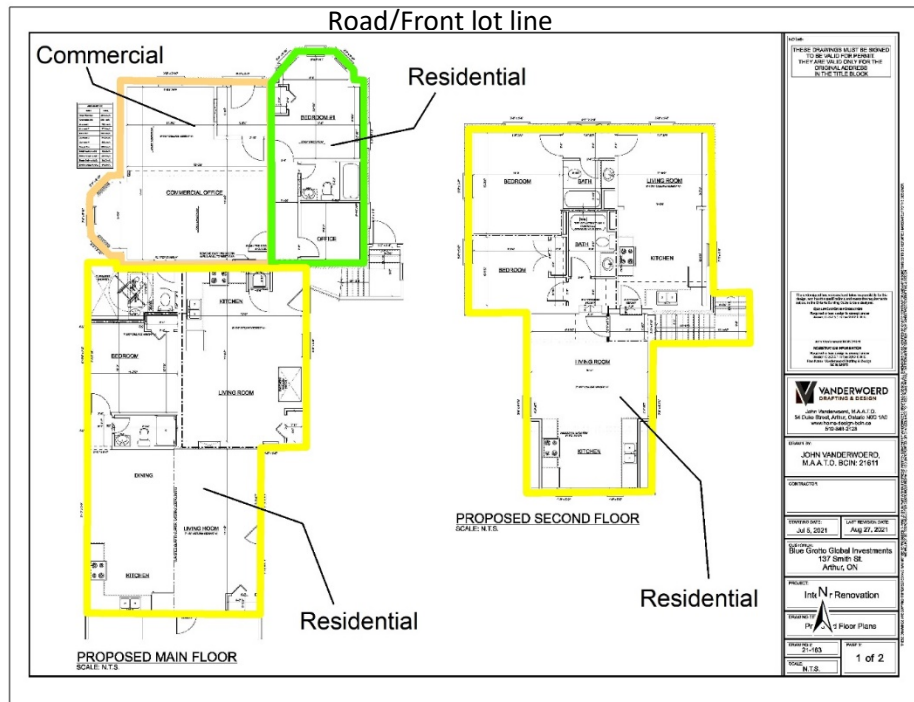
WELLINGTON COUNTY OFFICIAL PLAN

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 add two accessory residential units on the main floor of an existing commercial/residential use and required the following variance:

Accessory Residential Uses	Permitted	Proposed	Difference
Residential Use Location (Section 16.3b)	Above or rear of Commercial use	Above, rear and front portion of Commercial use	Front portion of Commercial Use
Residential Use GFA (Section 16.3c)	49% Residential GFA	72% Residential GFA	23% Residential GFA



Planning staff had concerns with proposed floor plan/configuration and would recommend the applicant eliminate and convert the area outlined in green to commercial (which is slated for residential).

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Darren Jones, Chief Building Official, Township of Wellington North

- Letter dated September 24, 2021 (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

John Vanderwoerd, Vanderwoerd Drafting and Design, Applicant's Agent, addressed the Planner's concerns. The proposed commercial portion could be a medical use and require an accessible washroom, which would be better suited to be to the rear. Locating it in the front would mean closing off the window, which would take away from the look of the building.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe inquired if this is a unique proposal. Matthieu Daoust, Planner, responded that residential units to the rear or above the commercial use is standard. Darren Jones, CBO, commented that while it is unique, they regularly get inquiries for this type of renovation of existing houses, or building that were built as houses in the early 1900's, in the downtown core.

Councillor Hern asked if there is a specific tenant. Mr. Vanderwoerd responded that there is a tenant considering the space. It would be more social work than medical.

Councillor Yake asked if 72% is too much residential area. Matthieu Daoust, Planner, commented that is the message that planning staff are trying to convey. There is opportunity to reconfigure.

Councillor Burke inquired if the office space could be flipped towards the front and be part of the commercial use. Mr. Vanderwoerd commented that it can, but it would not be as efficient use for the flow. If the front has to be fully commercial and could be reduced to 25% they may be able to work with it.

Mayor Lennox commented that the planning recommendation is to reduce the amount of residential floor area being designated as residential and the front bedroom exposure would make it disruptive to anyone trying to sleep in that area because of the commercial activity in the front. Matthieu Daoust, Planner, commented that he wasn't sure about disruption; but there is opportunity to capture the intent of the by-law. It is a commercial zone with accessory residential. As planning staff currently see it, at this stage it is essentially residential with an accessory commercial use. By eliminating the front bedroom area and perhaps by shifting it back it could be a two bedroom with one bathroom unit, and the full front could be commercial and retain the intent of the by-law.

Mayor Lennox inquired about the parking requirements for the units. Darren Jones, CBO, stated that 1.5 parking spaces per residential unit is required. Parking can be accommodated on site. Part of the building permit process for the proposed renovation requires that a site plan be submitted, which would demonstrate adequate parking. The driveway is to the east side of the building off Smith Street.

Mayor Lennox inquired about the process to go about modifying the request for 72%. Karren Wallace, Clerk, reviewed options for a decision for deferral.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A13/21, for the property described as Survey Carroll Lot 1 with a civic address of 137 Smith St, Arthur, to provide the following relief;

- 1. THAT the residential use location of above, rear and front portion of commercial use be permitted, for a proposed building renovation, whereas the By-Law allows for above or to the rear of the commercial use and;***
- 2. THAT a 72% residential ground floor area be permitted whereas the By-Law permits 49% residential ground floor area.***

DEFERRED

The Committee directed staff to work with the applicant to bring back a plan that is more in line with the Zoning By-law to address the percentage of residential area and the front exposure.

RESOLUTION: CoA 2021-019

Moved: Yake

Seconded: Hern

THAT the Committee of Adjustment meeting of October 12, 2021 be adjourned at 2:33 p.m.

CARRIED

Secretary Treasurer

Chair