

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A1/11 and A5/08

The Committee of Adjustment met on Monday, May 2, 2011 at the Kenilworth Municipal Office, at 7:15 p.m.

**Members Present: Chairman: Raymond Tout
Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake**

**Also Present: Alternate Secretary-Treasurer, Lorraine Heinbuch
Executive Assistant, Cathy Conrad**

1. The Chairman called the meeting to order.
2. **Disclosure of Pecuniary Interest and General Nature Thereof**

None Reported
3. Minutes

**Moved by: Councillor Goetz
Seconded by: Councillor Burke**

THAT the Committee of Adjustment meeting minutes of October 18, 2010 – A9/10 and A10/10 be adopted as presented.

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Applications A1/11 and A5/08 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

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APPLICATION A1/11

Applicant: Sharon Lee Moody

THE LOCATION OF THE SUBJECT PROPERTY is described as Part of Lot 13, with a civic address of 104 Egremont Street South, Mount Forest. The property is approximately 1002 sq.m (10,790 sq.ft.) in size and has frontage on Egremont and Wellington Streets.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required rear yard and exterior side yard setback under section 12.2.2 of the Wellington North Zoning By-law regulating the setback requirements for semi-detached dwellings in an R2 zone. The applicant is proposing to demolish the existing duplex and construct a semi detached dwelling. The property is located in a Residential (R2) zone. Other variances may be considered where deemed appropriate.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on April 21, 2011 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed her comments dated April 27, 2011.

The variances requested would provide relief from sections 12.2.2.5 & 12.2.2.8 of the Zoning By-law to allow a reduced front yard and rear yard to allow the construction of a semi detached dwelling.

The Planning Department had no concerns with the relief requested at this time. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property.

The subject property is designated Residential in the Mount Forest Urban area. 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.

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The subject lands are zoned Residential (R2). The applicants are proposing to demolish the existing dwelling and construct a new semi-detached bungalow (2 units) on the subject lands. Currently the proposed location of the dwelling(s) will comply with the minimum yard setbacks, however, it is the intention of the applicant to sever the dwellings in the future, which will then create a rear yard deficiency. The minimum required rear yard setback is 7.6m (24.9 ft), whereas 3.6m (12 ft) is proposed.

The intent of the zoning by-law with respect to rear yard setbacks is to allow adequate separation through an open space buffer between adjoining properties to protect privacy of neighbouring amenity areas and to ensure the preservation of a private landscaped amenity area on the subject property for the occupants of the dwelling. The proposal for a 3.6m setback does not allow adequate separation with the adjacent property at 124 Egremont St S which has a reduced frontage (40 ft). Additionally the reduction will significantly reduce the landscaped amenity area on the subject property which will affect the usability of the space for the future owners of the property. It should be noted that there is an existing right of way along the abutting property line for access to another property.

Staff discussed the above issue with the applicant and suggested shifting the proposed location of the dwelling closer to Wellington Street as an alternative, which would create a larger rear yard setback. The new configuration would still require variances for a reduced front yard setback and rear yard setback, however it would create a more useable rear yard area.

As such the following variances are required:

1. A rear yard setback of 5.4m (18 ft), whereas 7.6m (24.9 ft) is required, a difference of 2.2m.
2. A northwesterly (front yard) setback of 5.76m (18.9 ft), whereas 7.6m (24.9 ft) is required, a difference of 1.84m.

6. Correspondence/Comments received:

- None

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7. Questions/Comments

Persons present who wish to make oral and/or written submissions in support of the proposed minor variance?

The Applicant's Agent was present to answer any questions regarding the application.

Persons present who wish to make oral and/or written submissions against this application?

None present.

Those wishing to be notified of the decision were asked leave their name and address with the secretary-treasurer.

Committee – Comments and Questions

None

Moved by: Councillor Yake

Seconded by: Councillor Lennox

THAT the minor variance applied for in Application A1/11 be authorized.

Resolution No. 2

Carried

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APPLICATION A5/08

Applicant: Peter Schlegel

THE LOCATION OF THE SUBJECT PROPERTY is in Part Park Lot 7 & 6, plan 61R8529 and is municipally known as 740 Princess Street (Mount Forest). The property is approximately 3.653 ha. (9 ac.) in size and is occupied by a partially completed townhouse development (phase 1).

THE PURPOSE AND EFFECT is to provide relief from the minimum required parking for the proposed townhouse development on the subject lands. According to Section 6.27.8 of the Zoning By-law the required parking for a cluster townhouse development is 1.5 spaces per unit. Based on this, the proposal would require a minimum of 74 parking spaces, whereas the applicants are proposing to provide 61. Relief is required for 13 parking spaces.

This variance was before the Committee of Adjustment on August 18th, 2008. The variance was deferred at the request of the applicant. The variance is now coming forward for consideration at the request of the applicant.

8. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on April 21, 2011 as well as posted on the property.
9. Linda Redmond, Township Planner, reviewed her comments dated April 27, 2011.

The variance requested would provide relief from Section 6.27.8 of the Zoning By-law that requires 74 parking spaces for a 49 unit residential townhouse development. The applicants are requesting a reduction in the required parking to 61 spaces. The Planning Department had no concerns with this proposal that maintains the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the subject property.

The subject property is designated RESIDENTIAL. 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.

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The subject lands are currently zoned Institutional with a site specific exemption 37 (IN-37). This zoning category permits a nursing home and townhouse development. At this time a portion of the lands are proposed for a 49 unit townhouse development. The parking needed for this type of use is 74 spaces based on the requirement of 1.5 spaces per unit. The applicants are proposing to provide 61 spaces.

The development as proposed will provide each unit with an attached garage. For the purposes of the zoning by-law the garage is considered the required parking space. There is additional parking provided in the driveway of each unit however this cannot be counted as required parking. There will also be an additional 12 spaces on the site for visitors. Additionally there is a nursing home proposed on the other portion of the property. At this time the applicants are wishing to proceed with the townhouse development and the nursing home will follow at a later date. Once the nursing home is developed there will be pedestrian access between the two uses, which will provide additional parking opportunities. This combined with the supplemental parking located in front of the garages will provide adequate parking for this development.

This variance was before the Committee of Adjustment in 2008. At that time the land was vacant and there were concerns raised by the neighbours primarily related to overflow of parking onto the surrounding roads. The applicant asked the Committee to defer the application until a later date. Since that time Phase 1 of the site is almost complete which includes 6 townhouse blocks and comprises 25 units. Phase 2 which contains the remaining 24 units has not received final site plan approval which is contingent on this variance as the parking deficiency is located within this Phase of the development.

10. Correspondence/Comments received (August 18, 2008 meeting):
 - Saugeen Valley Conservation Authority – No objection
 - Warren Fink, 316 Jeremy's Crescent – Concerns
 - Thelma and Robert Rowsell, 749 Princess Street – Object
 - Diane McDonald, President, Betty-Dee Ltd. – Object pending resolution of drainage
 - Warren Fink, 316 Jeremy's Crescent – Concerns
 - Diane McDonald, President, Betty-Dee Ltd. – Object pending resolution of drainage
 - Leon and Josie Vandepas, 761 Princess Street – Not in favour

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- Diane McDonald, Betty Dee Limited – Object
- Ken and Ann Babey, 610 Martin St. - Object

11. Persons present who wish to make oral and/or written submissions in support of the proposed minor variance?

The Applicant was present to answer any questions regarding this application.

Peter Schlegel, explained that the first phase has proven consumer acceptability and achieved needs. The occupants are happy with the handicap accessible, larger washrooms. The medical centre is close by. This is a good fit for small town Ontario. The minor variance is for a reduction in the number of parking spaces. The mobility and vehicle needs of the residents are different than those of the general population. This step is needed before proceeding with a development agreement. This development meets the needs of the community and residents.

Amy Schlegel stated that she has been responsible for moving residents into the townhouses. This is an adult lifestyle residential development and there are no young families living there. Twenty-three of the twenty-five units are spoken for. None of the residents have more than one car and two residents don't have a car. Most residents keep their car in their garage. There have not been any parking issues and the only people parking on the street are the contractors.

Mayor Tout questioned what is being gained by removing the parking spaces.

Mr. Schlegel explained that the 13 spaces were never in the plan. There are 12 visitor parking spaces available. Parking works out to 1 ¼ spaces instead of 1 ½ spaces. There is a concept plan for the land to rebuild the nursing centre and 60 bed retirement home but they are waiting on the Ministry of Health timeline for the nursing home to be built. When it is developed the sidewalk and access could be shared.

Councillor Yake inquired about future growth. When people move out the new people could have more than one car and number can change.

Ms. Schlegel stated that they are using current demographics.

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Mr. Schlegel explained that the units are not geared for young families. The whole development has been built for seniors. The type of people there now is probably going to be consistent. Several residents came to them on recommendation from the medical centre as it is a good alternative to living on their own.

Councillor Burke asked if any consideration had been given to expanding lot A for additional parking and if there is room to park on the internal streets as opposed to the municipal streets

Ms. Redmond explained that lot A is a requirement as a common amenity area. The private road will be privately maintained and there will be no room for parking. There will be no parking signs and anyone parked there could be fined.

Councillor Lennox questioned why adequate parking for the overall development could not be dealt with now.

Mr. Schlegel explained that there will be two separate ownerships. The townhouses will be condominiums to give more flexibility of ownership in the future. At the present time there is a preference for rental units but in the future the legal structure is in place to sell the units as desired. They could put temporary parking on the undeveloped land. The current nursing centre is classified as a "C" facility. The Ontario government wants to have all "A" and "B" facilities rebuilt in the next 15 years.

Persons present who wish to make oral and/or written submissions against this application?

Warren Fink stated that he is against the variance application and has concerns regarding the parking. He questioned why we bother having minimum by-law standards and codes and finds it disturbing that variances are always requested. This has been a long standing project and has changed considerably since first proposed at an open house in August 2002. Progress has been slow and the landscape has been reconstructed. There was flooding in two units during construction and there are no sidewalks. With the addition of the sports complex two blocks away there is now more traffic. Adding a high density structure will make it worse. The long term health care area is entirely separate from the townhouses so suggesting that the parking could be shared cannot be guaranteed. Mr. Fink questioned if more townhouses will be built if the nursing centre doesn't go ahead.

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Mr. Fink questioned what constitutes as a parking space. The definition was clear from the start but the developer chose not to include adequate parking spaces. He is concerned that visitors will not use the visitor parking but will park in front of the townhouses.

Jerome Quenneville, COE, Louise Marshall Hospital stated that the hospital and the medical clinic are not looking to share parking as they are looking at improvements for their own facilities. Mr. Quenneville stated that he wanted to ensure council is comfortable that 61 is the right number of parking spaces for Mr. Schlegel's development.

Those wishing to be notified of decision please leave name and address with secretary-treasurer.

Committee:

- Comments and questions

Councillor Lennox questioned if the nursing home will be developed as proposed. Ms. Redmond explained that this is a concept plan and has not been formally submitted.

Councillor Yake asked if the drainage issues referred to in correspondence received from Diane McDonald have been addressed.

Mr. Schlegel stated that to his knowledge drainage is not an issue. Drainage was addressed at the site plan stage and involved engineers. Part of addressing the drainage issue was to build it up. The engineers signed off on it. He would not have recommended the action that Ms. McDonald took. An easement to the road would have been better. Two and half years were spent trying to come up with a solution. The only question to be addressed at this meeting is the parking. Mr. Schlegel stated that he believes his development is an enhancement to the community.

Ms. Redmond agreed that seniors parking needs are different than other residents and suggested that considering this is a new Council and their first Committee of Adjustment it may be best to defer a decision to allow staff time to investigate how other municipalities deal with this type of issue.

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Moved by: Councillor Yake

Seconded by: Councillor Goetz

THAT the minor variance applied for in Application A5/08 be deferred.

Resolution No. 3

Carried

12. Adjournment

Moved by: Councillor Goetz

Seconded by: Councillor Burke

That the Committee of Adjustment meeting of May 2, 2011 be adjourned.

Resolution No. 4

Carried

Secretary Treasurer

Chairman