

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
DECEMBER 11, 2023 AT 2:00 P.M.
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING
<https://www.youtube.com/watch?v=edMv8ph8Mu4>**

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

Staff Present:

Chief Administrative Officer:	Brooke Lambert
Director of Legislative Services/Clerk:	Karren Wallace
Deputy Clerk:	Catherine Conrad
Chief Building Official:	Darren Jones
Director of Finance:	Jerry Idialu
Human Resources Manager:	Amy Tollefson
Economic Development Officer:	Dale Small
Senior Project Manager:	Tammy Stevenson
Manager of Transportation Services:	Dale Clark
Manager Environment & Development Services:	Corey Schmidt
Compliance Analyst:	Sara McDougall
Recreation Service Manager:	Tom Bowden
Director of Fire Services:	Chris Harrow
Senior Planner:	Jessica Rahim

CALLING TO ORDER

Chairperson Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No disclosure of pecuniary interest declared.

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, November 20, 2023 (A18/23 & A19/23)

RESOLUTION: 025-2023

Moved: Renken

Seconded: Hern

THAT the Committee of Adjustment meeting minutes of November 20, 2023 – A18/23 & A19/23 be adopted as presented.

CARRIED

APPLICATION

A13/23 – Pinestone Construction Inc.

THE LOCATION OF THE SUBJECT PROPERTY is described as Part 3 and 4, Reference Plan 61R-22549, Village of Arthur, with a civic address of 185 and 187 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. The subject property is zoned Residential (R2), which permits a semi-detached dwelling and one (1) attached ADU per 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 November 23, 2023.

PRESENTATIONS

Jessica Rahim, Senior Planner, County of Wellington, Township of Wellington North

- Planning Report dated December 1, 2023

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 on one lot

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 Lot 12, Plan 61M255 and are municipally known as 185 & 187 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 on the lot. 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

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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 a new semi- detached dwelling with an ADU and require the following variance:

Regulations for Semi-detached Dwelling	Permitted	Proposed	Difference
Front Yard, Minimum Landscape Requirement (Section 12.3 ii)	50%	35%	15%
ADU (attached) Per lot (6.29.1a)	1	2	1
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 October 25, 2023 (No Objection)

Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority

- Letter dated November 24, 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

Shayne DeBoer, Pinestone Construction Inc., Applicant, was present to answer questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Member McCabe commented that the on site visit was helpful. it was nice to go and see what was being discussed in person. As a Councillor, and even as a Township, we have talked about our by-laws for medium density, and increasing density, without going past

our urban borders and into prime agricultural. This is a great example of how that can be achieved.

Member Burke stated that it was good to visit the site but noted it doesn't appear there was any consideration to change any of the proposed variances. Mr. DeBoer explained that during the on site visit that everyone would realize what was being achieved and that there is enough front landscape.

Member Burke advised the statement she would make would address all of the applications being heard, commenting that she was supportive of something that is minor in nature but believed that the 35%, based on the site visit, she could be support of. She can't support the 26.8% on the interior.

Chair Lennox suggested waiting to discuss Member Burke's comments until the committee gets to those applications.

DECISION

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

THAT the minor variance applied for in Application A13/23, for the property described as Part 3 and 4, Reference Plan 61R-22549, Village of Arthur, with a civic address of 185 and 187 Schmidt Drive, to provide the following relief;

1. THAT a reduced Front Yard 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

APPLICATION

A14/23 – 2073022 Ontario Inc.

THE LOCATION OF THE SUBJECT PROPERTY is described as Part 47 and 48, Reference Plan 61R-22549, Village of Arthur, with a civic address of 180 and 182 Schmidt Drive. The subject land is approximately 0.07 ha (0.18 ac) in size now shown as Part 47 and 48 on Reference Plan 61R-22549.

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. The applicants are proposing to construct an additional dwelling unit (ADU) in each semi-detached unit on the lot. The subject property is zoned Residential (R2), which permits a semi-detached dwelling and one (1) attached ADU per 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 November 23, 2023.

PRESENTATIONS

Jessica Rahim, Senior Planner County of Wellington, Township of Wellington North

- Planning Report dated December 1, 2023

Planning Opinion: The variance requested would 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. The applicants are proposing to construct an additional dwelling unit (ADU) in each semi-detached unit on the lot.

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 Lot 14 Plan 61M255 and are municipally known as 180 & 182 Schmidt Drive. The subject land is approximately 0.07 ha (0.18 ac) in size now shown as Part 47 and 48 on Reference Plan 61R-22549.

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. The applicants are proposing to construct an additional dwelling unit (ADU) in each semi-detached unit on the 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%	34.1%	15.9%
ADU (attached) Per lot (6.29.1a)	1	2	1
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 October 25, 2023 (No Objection)

Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority

- Letter dated November 24, 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

Shayne DeBoer spoke on behalf of applicant Jim Coffey. He explained that this application is similar to A13/23.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Member Reken thanked the applicant for the opportunity to visit the site and see the secondary unit going into the houses. She stated that she is not keen on variances and is disappointed that there have been no changes to the variances requested. She would like to see more greenspace and suggested making the units smaller to accommodate that, which might even make them more affordable.

Chair Lennox asked for clarification on the property descriptions. The CBO explained that the reference plan is different as Part Lot Control application has gone through and they are now severed lots.

DECISION

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

THAT the minor variance applied for in Application A14/23, for the property described as Part 47 and 48, Reference Plan 61R-22549, Village of Arthur, with a civic address of 180 and 182 Schmidt Drive, to provide the following relief;

1. *THAT* a reduced Front Yard Landscape Area of 34.1% 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

APPLICATION

A16/23 – Pinestone Construction Inc.

THE LOCATION OF THE SUBJECT PROPERTY is described as Block 31, RP 61M-255, geographic Town of Arthur, with a civic address of 207, 209, 211 and 213 Schmidt Drive. The subject land is approximately 0.07 ha (0.17 ac) in size now Part 7, 8, 9, 10, 11 and 12, Reference Plan 61R-22549.

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum front yard landscaped area requirements. The subject property is zoned Residential (R2), which permits a street townhouse. 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 November 23, 2023.

PRESENTATIONS

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

- Planning Report dated December 1, 2023

Planning Opinion: The variance requested would provide relief from the minimum front yard landscaped area requirements. Section 12.3 of the Zoning by-law states that a minimum of 50% of the required front yard shall be maintained as landscaped area.

Planning Staff have concerns with the reduced landscaped area for the middle units (Units 2 & 3) and would recommend the proposed driveways be reduced to the same width as the existing garage. This will accommodate additional snow storage for these units.

Planning Staff have no concerns with the end units (Units 1 & 4) proposing a 40.5% landscaped area however the middle units (Units 2 & 3) should reduce the driveway

width to provide additional landscaped area. 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 properties is described as Block 31, Plan 61M255 and are municipally known as 207,209,211 & 213 Schmidt Drive. The subject land is approximately 0.07 ha (0.17 ac) in size.

PROPOSAL

The purpose of this application is to provide relief from the minimum front yard landscaped area requirements. The subject property is zoned Residential (R2), which permits a 4-unit street townhouse.

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.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Residential Zone (R2). The applicant is proposing the following variances:

Street Townhouse Regulations Minimum Landscape Requirement (Section 12.3)	Permitted	Proposed	Difference
Unit 1 & 4 (213 & 207 Schmidt Dr)	50%	40.5%	9.5%
Unit 2 & 3 (211 & 209 Schmidt Dr)	50%	26.8%	23.2%

Planning Staff have concerns with the reduced landscaped area (See figure 1 and 2) for the middle units (Units 2 & 3) and would recommend the proposed driveways be reduced to the same width as the existing garage. This will accommodate additional snow storage for these middle units.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Danielle Walker, Source Protection Coordinator, Wellington Source Water Protection

- Email dated October 25, 2023 (No Objection)

Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority

- Letter dated November 24, 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

Shayne DeBoer, applicant, was present to answer any questions regarding the applications. He commented that he realizes the 26% area on the two centre units isn't desirable and asked if it would be possible to work out a landscaped area of 35% front yard coverage which would be seven feet per side and it allows eighteen feet in the driveway which allows two vehicles side by side. He is concerned that if there is too much reduction it affects parking and may cause problems with on street parking.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Chair Lennox asked the planner about the process if the percentage is changed. Planner Rahim explained that we would be able to update the percentage on the decision, if staff is comfortable with that. We wouldn't need to recirculate as it is an increase in landscaped area, as opposed to decreasing it. Chair Lennox asked what the implications of the change would be. Mr. DeBoer provided that it would allow for 1 foot 9 inches more. He was asking for 7 feet frontage. If it was 35% it would be 8 feet 8 inches. The driveway width would be 16 feet 7 inches, which would still permit two vehicles side by side.

Chair Lennox questioned what would happen if the driveway is reduced and in the future someone added a sidewalk along the driveway for more space, does the Township have any recourse. CBO Jones responded that we do have recourse. It would be a zoning contradiction and the Township could take legal action. The variance stays with the property.

Member Burke inquired if the 35% would bring the variance more in line with the planner's report for the garage. Ms. Rahim responded that it does become more in line with the garage. She wouldn't have concerns with the 35%

DECISION**CALL FOR VOTE: SHOW OF HANDS**

THAT the minor variance applied for in Application A16/23, for the property described as Block 32, RP 61M-255, geographic Town of Arthur, with a civic address of 207 and 213 Schmidt Drive, to provide the following relief;

1. THAT a reduced Front Yard Landscape Area of 40.5% be permitted, for Unit 1 & 4 (213 & 207 Schmidt Dr.), whereas the By-law requires 50%.

APPROVED

THAT the minor variance applied for in Application A16/23, for the property described as Part 8 and Parts 9 & 10, Reference Plan 61R-22549, Village of Arthur, with a civic address of 209 and 211 Schmidt Drive, to provide the following relief;

2. THAT a reduced Front Yard Landscape Area of 35% be permitted, for Unit 2 & 3 (211 & 209 Schmidt Dr.), whereas the By-law requires 50%.

APPROVED

APPLICATION

A17/23 – Pinestone Construction Inc.

THE LOCATION OF THE SUBJECT PROPERTY is described as Part 13, 14, 15, 16, 17 and 18, Reference Plan 61R-22549, geographic Town of Arthur, with a civic address of 217, 219, 221 and 223 Schmidt Drive. The subject land is approximately 0.07 ha (0.17 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum front yard landscaped area requirements. The subject property is zoned Residential (R2), which permits a street townhouse. 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 November 23, 2023.

PRESENTATIONS

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

- Planning Report dated December 1, 2023

Planning Opinion: The variance requested would provide relief from the minimum front yard landscaped area requirements. Section 12.3 of the Zoning by-law states that a minimum of 50% of the required front yard shall be maintained as landscaped area.

Planning Staff have concerns with the reduced landscaped area for the middle units (Units 2 & 3) and would recommend the proposed driveways be reduced to the same width as the existing garage. This will accommodate additional snow storage for these middle units.

Planning Staff have no concerns with the end units (Units 1 & 4) proposing a 40.5% landscaped area however the middle units (Units 2 & 3) should reduce the driveway width to provide additional landscaped area. 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 properties is described as Block 32, Plan 61M255 and are municipally known as 217, 219, 221, 223 Schmidt Drive. The subject land is approximately 0.07 ha (0.17 ac) in size.

PROPOSAL

The purpose of this application is to provide relief from the minimum front yard landscaped area requirements. The subject property is zoned Residential (R2), which permits a 4 unit street townhouse.

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.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Residential Zone (R2). The applicant is proposing the following variances:

Street Townhouse Regulations Minimum Landscape Requirement (Section 12.3)	Permitted	Proposed	Difference
Unit 1 & 4 (223 & 217 Schmidt Dr)	50%	40.5%	9.5%
Unit 2 & 3 (221 & 219) Schmidt Dr)	50%	26.8%	23.2%

Planning Staff have concerns with the reduced landscaped area for the middle units (Units 2 & 3) and would recommend the proposed driveways be reduced to the same width as the existing garage. This will accommodate additional snow storage for these middle units.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Danielle Walker, Source Protection Coordinator, Wellington Source Water Protection

- Email dated October 25, 2023 (No Objection)

Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority

- Letter dated November 24, 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

Shayne DeBoer, applicant, was present to answer questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

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Members Burke and Renken were agreeable if the landscape area is 35% or greater.

Members McCabe and Hern were agreeable to the 26.8% requested but would accept 35%.

Chair Lennox stated that 35% would address staff concerns.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A17/23, for the property described as Part 13 and Parts 17 & 18, Reference Plan 61R-22549, Village of Arthur, with a civic address of 217 and 223 Schmidt Drive, to provide the following relief;

1. THAT a reduced Front Yard Landscape Area of 40.5% be permitted, for Unit 1 & 4 (223 & 217 Schmidt Dr.), whereas the By-law requires 50%.

APPROVED

THAT the minor variance applied for in Application A17/23, for the property described as Part 14 and Parts 15 & 16, Reference Plan 61R-22549, Village of Arthur, with a civic address of 219 and 221 Schmidt Drive, to provide the following relief;

2. THAT a reduced Front Yard Landscape Area of 35% be permitted, for Unit 2 & 3 (221 & 219 Schmidt Dr.), whereas the By-law requires 50%.

APPROVED

ADJOURNMENT

RESOLUTION: 026-2023

Moved: McCabe


Seconded: Hern

THAT the committee of adjustment meeting of December 11, 2023 be adjourned at 3:02 p.m.

CARRIED

DocuSigned by:

90AF06F00D204A8...
CHAIRPERSON

DocuSigned by:

F66A115C71324C9...
CLERK