

Township of Woolwich
Committee of Adjustment Minutes
June 14, 2021

The Committee of Adjustment held a virtual zoom meeting on the above date commencing at 4:30 p.m. Present: Jim Brearley, Tim Cronin, Linda Dickson, Hans Pottkamper and Charles Zeidler. Hans Pottkamper chaired the meeting. Present from Township staff: Rino DalBello, Senior Planner and Nancy Thompson, Secretary-Treasurer.

Disclosures of Pecuniary Interest – None.

MINOR VARIANCE APPLICATION A 13/2021 – SAKB Services Inc.

PROPERTY: 342 - 346 Arthur Street South, Elmira, GCT Part Lot 86

ZONE / USE: Service Commercial (C-7) with Site Specific provisions (26.1.34) permitting antique sales and wood furniture sales as additional uses / dwelling, multi-unit commercial building and a detached commercial shop.

PROPOSAL: The applicant is proposing to demolish the existing unheated sunroom at the rear of the dwelling and replace it with a two storey, 58 square metre, dwelling addition and is requesting relief from the following:

- Legal Non-Conforming Use / Buildings Section 4.1.4 b) to permit a 42% expansion to the legal non-conforming use of a dwelling whereas the by-law limits the maximum to 25%; and
- C-7 Section 20B.5.3 and General Regulations Section 6.10.2 d) to reduce the building line setback adjacent to a street from 6 metres to approximately 3.2 metres.

In support: Matthew Robson of Berto Holdings representing the applicant

In opposition: None

Mr. Robson reviewed the application with the Committee and advised they have reviewed the staff report and have no concerns with the recommendations as proposed. Mr. Robson confirmed the new structure will maintain the same side yard setback. Mr. Robson advised he is available to answer any questions.

There were no further comments from the Committee or members of the public.

Moved by – Linda Dickson

Seconded by – Charles Zeidler

THAT Minor Variance Application A 13/2021 (SAKB Services) concerning the property described as GCT Part Lot 86 known as 342-346 Arthur Street South, Elmira, requesting relief from:

- i. Section 4.1.4 b) to permit a 42% expansion to the legal non-conforming use of a dwelling whereas the By-Law limits the maximum to 25%; and
- ii. Section 20B.5.3 of the C-7 Zone and General Regulations Section 6.10.2 d) to reduce the building line setback adjacent to a street line from 6 metres to approximately 3.2 metres, **be approved.**

CARRIED

MINOR VARIANCE APPLICATION A 14/2021 – Talmon Henderson and Alexa Hodgkinson

PROPERTY: 1071 Rivers Edge Drive, West Montrose, Hitchings Tract Concession A Block 3 Part Lot 1

ZONE / USE: Agricultural (A) / dwelling and detached garage

PROPOSAL: The applicant is proposing the addition of an attached 78 square metre accessory building on the east side of the dwelling and is requesting relief from the following:

- General Regulation Section 6.10.2 a) to reduce the building line setback adjacent to a street from 7.6 metres to approximately 5.4 metres; and
- Definition Section 2.5 a) to vary the definition for “Attached” to permit an approximate 26% common wall connection for an attached accessory building whereas 30% is required. The accessory building is proposed to have a 2.1 metre attachment of the 7.9 metre common wall.

In support: Talmon Henderson and Alexa Hodgkinson

In opposition: None

Ms. Hodgkinson reviewed the application with the Committee. Ms. Hodgkinson requested if the existing driveway and garage could be removed post construction versus prior to building permit issuance in order that they can continue to park in the driveway and use the building for storage. Mr. Henderson commented the road is predominately used by visitors and horse and buggy traffic and they do not want to restrict the road access by parking on the street. This will also allow construction vehicles to utilize the existing driveway.

A Committee member commented they also had concerns with the driveways and location within a curve on the road and appreciate the comments made by the applicant. The Committee questioned staff if there is opportunity to amend recommendation 2 a) whereby it states “to the satisfaction of the Township” following removal of the garage and driveway.

Mr. DalBello advised staff have no concerns with the Committee’s suggestion and advised he had an earlier discussion with the applicant in this regard. Mr. DalBello suggested the recommendation could be modified to require an agreement be entered into with a required deposit of \$5,000.00 to remove the existing garage and driveway after final inspection of the proposed garage. Mr. DalBello advised that once the garage and driveway are removed the applicant would make a request to the Township to have the deposit refunded.

The Committee concurred this is appropriate and inquired of the applicant if this is an amount that is affordable and can be completed.

Mr. Henderson advised this is not a concern noting it allows them to store items in the garage as they also work on repairs to the dwelling.

Ms. Thompson read the proposed amended condition to the Committee as follows:

- a) *The applicant entering into an agreement with the Township and depositing an amount of \$5,000.00 for removal of the existing garage and existing driveway following a final inspection of the building permit issued for the new garage. A permit will be required for the removal of the structure; and*

The Committee had no concerns with the amended recommendation noting it provides the Township assurance for the removal of the existing garage and driveway.

The Committee noted there was a comment in the chat forum. Mr. Hendrick questioned in the chat forum whether \$5,000.00 is enough and what if the applicant does not remove the garage.

Mr. DalBello advised the \$5,000.00 is sufficient for this type of project and noted that if the applicant does not remove the structure in accordance with the terms of the agreement, then the Township has the right to use the deposit funds to complete the necessary works.

The Committee noted that aside from the comment in the chat forum there were no additional comments from the members of the public.

Moved by – Tim Cronin as amended

Seconded by – Charles Zeidler

THAT Minor Variance Application A 14/2021 (Talmon Henderson and Alexa Hodgkinson) concerning the property described as Hitchings Tract Concession A Block 3 Part Lot 1, municipally known as 1071 Rivers Edge Drive, West Montrose, requesting relief from:

1. General Regulations Section 6.10.2 a) to reduce the building line setback adjacent to a street from 7.6 metres to 5.4 metres, and
2. Section 2.5 a) to vary the definition for “Attached”, to permit an approximate 26% common wall connection for an attached accessory building whereas 30% is required, **be approved subject to:**
 - b) The applicant entering into an agreement with the Township and depositing an amount of \$5,000.00 for removal of the existing garage and existing driveway following a final inspection of the building permit issued for the new garage. A permit will be required for the removal of the structure; and
 - c) Obtain an entrance permit for the new driveway location.

CARRIED

CONSENT APPLICATION B 10/2021 – 1983404 Ontario Limited

PROPERTY: 5185 Fountain Street North, Breslau, 58M179 Lot 1 subject to right of way

ZONE / USE: General Industrial – Dry (M-1) with Site Specific provisions (26.1.242) being general zoning provisions at time of severance / industrial building and tractor trailer parking.

PROPOSAL: The applicant is requesting permission to grant a blanket easement over the property which would follow an existing roadway that has been determined on the site for access purpose across the property at 5185 Fountain Street North in favour of the vacant lands to the north. The vacant parcel has no driveway access onto Fountain Street.

In support: Sam Head of Dryden Smith and Head Planning Consultants representing the applicant
In opposition: None

Mr. Head reviewed the application with the Committee noting the applicant has temporary use approval for the parking of trailers on the property to the north. The long term goal is to have both properties zoned and designated industrial and they are going through a Regional process to address this. Mr. Head advised there is an existing driveway to Fountain Street for the vacant lands however it is not being used at this time. Mr. Head commented the easement will allow access between the two properties and access to Fountain Street via the existing entrance at 5185 Fountain Street North.

The Committee questioned the requirement for a blanket easement anticipating this would be over the entire property however, noted through the site plan process the access will be further defined. Mr. Head advised the driveway exists at this time which allows the applicant to move the trailers back and forth between the two properties. The goal of the applicant is to merge the properties into one in the future however, they need to keep their options open at the present time.

There were no further comments from the Committee or members of the public.

Moved by – Tim Cronin

Seconded by – Jim Brearley

THAT Consent Application B 10/2021 (1983404 Ontario Limited) concerning the property described as 58M179 Lot 1 known as 5185 Fountain Street North, requesting a blanket easement over the property which would follow an existing roadway that has been determined on the site for access purposes across the property at 5185 Fountain Street North in favour of the vacant lands to the north, **be approved subject to:**

1. That a Reference Plan be provided for the proposed access easement, which is acceptable to the Township prior to it being deposited at the Registry Office.
2. That the lands to the north of 5185 Fountain Street North complete and obtain site plan approval.

CARRIED

APPROVAL OF PREVIOUS MINUTES

Moved by – Linda Dickson

Seconded by – Charles Zeidler

THAT the minutes of the Committee of Adjustment meeting held May 17, 2021, be approved as circulated.

CARRIED

Meeting adjourned.

Submitted by,

Nancy Thompson

Secretary Treasurer