

**Township of Woolwich
Committee of Adjustment Minutes
February 15, 2022**

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. Linda Dickson chaired the meeting. Present from Township staff: David Gundrum, Planner and Nancy Thompson, Secretary-Treasurer.

Disclosure of Pecuniary Interest – None.

MINOR VARIANCE APPLICATION A 5/2022 – Lester Weber

PROPERTY: 2407 New Jerusalem Road, GCT Part Lot 83

ZONE / USE: Agricultural (A) with site specific provisions (Section 26.1.6) / single detached dwelling, livestock barn, driving shed and a manufacturing operation

PROPOSAL: The applicant is requesting an amendment to the site specific zoning provisions to increase the maximum total floor area from 1,205 square metres to 2,129 square metres to allow for a proposed addition to the existing manufacturing operation. The property is currently developed with approximately 1,210 square metres of building area. The proposed development will be in keeping with the On-Farm Diversified Use regulations.

In support: Lester Weber and Sam Head of Dryden, Smith and Head Planning Consultants

In opposition: None

Mr. Head reviewed the application with the Committee advising the applicant has acquired a similar business that he would like to bring to this property. The proposed expansion to the property will require removal of two existing buildings that will be replaced by a larger manufacturing building including additional office area. Mr. Head advised they support the recommendation as proposed by staff and will be submitting a site plan application following the variance process.

There were no questions from the Committee on the application

Mr. Weber advised he had no additional information to provide on the application.

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

Moved by – Charles Zeidler

Seconded by – Tim Cronin

THAT Minor Variance Application A05/2022 (Lester Weber) concerning the subject property described as Part of Lot 83, GCT, municipally addressed as 2407 New Jerusalem Road, requesting relief from:

- 1) the site-specific Zoning By-law Section 26.1.6 and to permit the manufacturing operation in accordance with the existing On-Farm Diversified Use regulations.

be approved.

CARRIED

MINOR VARIANCE APPLICATION A 6/2022 – Schlegel Urban Developments Corp.

PROPERTY: 25 Benjamin Road, GCT Part Lot 18, 58R20073 Parts 1 to 5 and 8 to 18

ZONE / USE: Stockyards Industrial / Commercial Area (C-8) with site specific provisions (Section 26.1.155) that allows additional commercial uses with special regulations / commercial retail - factory outlet mall.

PROPOSAL: The applicant is proposing to repurpose a portion of an existing factory outlet mall building for a micro-brewery (i.e., processing/storage), restaurant, event/banquet centre and accessory retailing and is therefore requesting relief from the following regulations:

- 1 to reduce the parking space setback adjacent to Farmer's Market Road from 2.5 metres to 1 metre (Section 20C.5.9); and
- 2 to amend the parking rate requirements (Section 6.13.4) for:
 - a banquet hall from 1 space per 5 square metres of gross floor area to 1 space per 6 square metres of gross floor area;
 - a restaurant or place for dispensing refreshments to the public from 1 space per 4.5 square metres of floor area devoted to the public to 1 space per 5.35 square metres of floor area devoted to the public;
 - a retail use from 1 space per 18.5 square metres of gross floor area to 1 space per 20.5 square metres of gross floor area; and
 - an industry and industry storage use from 1 space per 50 square metres and 1 space per 500 square metres of gross floor area respectively to zero parking requirements as the above rates would capture the required parking for the operation.

Additionally, the applicant is requesting permission to enter into an off-site parking agreement to be registered on title on other lands owned by the applicant that are within the C-8 zone to satisfy some or all of the required parking for the operation that cannot be provided on the subject property. Currently, such permission is allowed only within Core Commercial (C-1) zones with the Township.

In support: Alex Vandersluis and Vaughn Bender, Schlegel Urban Developments Corp.

In opposition: None

Mr. Vandersluis advised that they are in support of staff's recommendation on their proposal and are available to answer any questions the Committee may have.

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

Moved by – Charles Zeidler

Seconded by – Hans Pottkamper

THAT Minor Variance Application A06/2022 (Schlegel Urban Developments Corp.) concerning the subject property described as Part of Lot 18, GCT, Parts 1 to 5 and 8 to 17 on 58R-20073, municipally addressed as 25 Benjamin Road, requesting:

- 2) Relief from Zoning By-law Section 6.13.4 to reduce the required parking from 606 spaces to approximately 380 spaces based on the following parking ratios:
 - a) 1 space per 6 square metres of floor area for a use involving assembly of persons (banquet hall) whereas the Zoning By-law requires 1 space per 5 square metres of floor area;
 - b) 1 space per 5.35 square metres of floor area for a restaurant or place for dispensing refreshment to the public whereas the Zoning By-law requires 1 space per 4.5 square metres of floor area;
 - c) 1 space per 20.5 square metres of floor area for a retail use whereas the Zoning By-law requires 1 space per 18.5 metres of floor area; and
 - d) No parking space requirement for an industry use or an industry storage use whereas the Zoning By-law requires 1 space per 50 square metres and 1 space per 500 square metres of floor area, respectively for each use.

- 3) Notwithstanding the requirements of sub-sections 6.11 and 6.13 of the Zoning By-law, where the provisions of off-street parking on a subject lot are impossible (or impractical), such off-street parking facilities may be located on another lot within 300 metres of the subject lands. Where off-street parking is provided on a lot other than the lot containing the building or use for which the parking is required, the owner of the lot upon which the parking is located shall, at their own expense, cause to be registered in the Registry Office an undertaking from the owner to the Township of Woolwich against the title of the property to guarantee that the land required for parking by this By-law shall continue to be so used only for this purpose until such time as the Township shall relieve the owner of said undertaking, at which time the owner shall have provided alternate parking space in conformity with the regulations contained in this By-law; and
- 4) Relief from Zoning By-law Section 20C.5.9 to permit a reduced parking space setback of 1 metre from Farmer's Market Road with respect to the spaces affected as per the submitted site plan whereas the Zoning By-law requires a parking space setback of 2.5 metres.

be approved.

CARRIED

MINOR VARIANCE APPLICATION A 7/2022 – Schlegel Urban Developments Corp.

PROPERTY: 75 Benjamin Road, GCT Part Lot 18, 58R20073 Parts 25 to 27 and 33 to 35

ZONE / USE: Stockyards Industrial / Commercial Area (C-8) with site specific provisions (Section 26.12.155) that allows additional commercial uses with special regulations / vacant land

PROPOSAL: The applicant is proposing the development of the property with a new commercial recreation facility use and associated parking and is requesting relief from the following:

- to reduce the required rear yard setback from 7.5 metres to 0 metres (Section 20C.5.5); and
- to interpret an indoor virtual electric go-kart racing operation as a permitted use within the definition of Commercial Recreation in Section 2.23a of the Zoning By-law.

In support: Alex Vandersluis and Vaughn Bender, Schlegel Urban Developments Corp.

In opposition: None

Mr. Bender advised the Committee they became involved with the Stockyards Secondary Plan process when they acquired the lands in 2018 from the Shantz family and they believe their proposals before the Committee are in keeping with the planned function, vision and guiding principles that were established through the proposed Secondary Plan. They are excited that these projects are coming forward and feel they are a good fit with the surrounding business and appreciate consideration for the variances by the Committee.

Mr. Bender noted that the proposed use for the property is more of a housekeeping matter given that the proposed Secondary Plan is not in place at this time, and they are operating under the existing zoning. Mr. Vandersluis commented that the use as proposed would be permitted if the Secondary Plan was in place, however the setback would remain the same and require a variance as requested.

Mr. Vandersluis made a presentation with the following information and slides providing some background and context to the Committee of the property and how development has unfolded.

75 Benjamin Road is located northeast of the intersection of Benjamin Road and Weber Street North. The southern property boundary is a municipal boundary between the Township of Woolwich and the City of Waterloo. Surrounding the property are hotels and commercial uses to the north and west with industrial uses to the south within the City of Waterloo. The Township owned stormwater management (SWM) pond is immediately to the east of the property.

SCHLEGEL URBAN DEVELOPMENTS
TOWNSHIP OF WOOLWICH COMMITTEE OF ADJUSTMENT FEBRUARY 15, 2022



The original survey for these lands was completed in 1991 and identified the future development lands as Part 6 (red) and the future SWM pond as Part 15 (blue). Easement number 1111248 relates to municipal services within Part 16 which was the SWM block at the time (photo from 2006)

ORIGINAL SURVEY 58R-7836
OCTOBER 31, 1991

PROPOSED DEVELOPMENT
BLOCK (RED)

INST. 1111248 GRANTING EASEMENT
TO WOOLWICH FOR MUNICIPAL
SERVICES OVER PART 15 (BLUE)

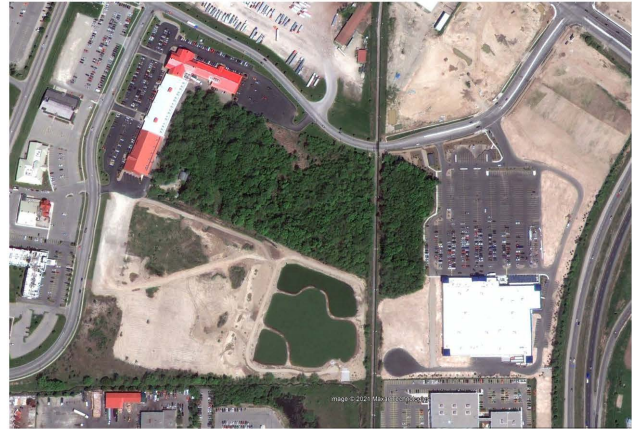


In 2009, the SWM pond was rebuilt to facilitate development by Smart Centres for the now existing Walmart Supercentre on the east side of the rail line.

APRIL
2006



MAY
2009



The SWM was rebuilt in 2009 as outlined in yellow. A new survey was completed to subdivide the future development block in 2012. The northern most parcel was developed in 2014 with a hotel requiring the installation of a new sanitary sewer line. The sanitary line is shown by a blue dashed line that follows the rear lot line of the subject lands crossing diagonally to connect to the City of Waterloo. The existing easements are shown in red hatched area along the west, south and east property boundaries.

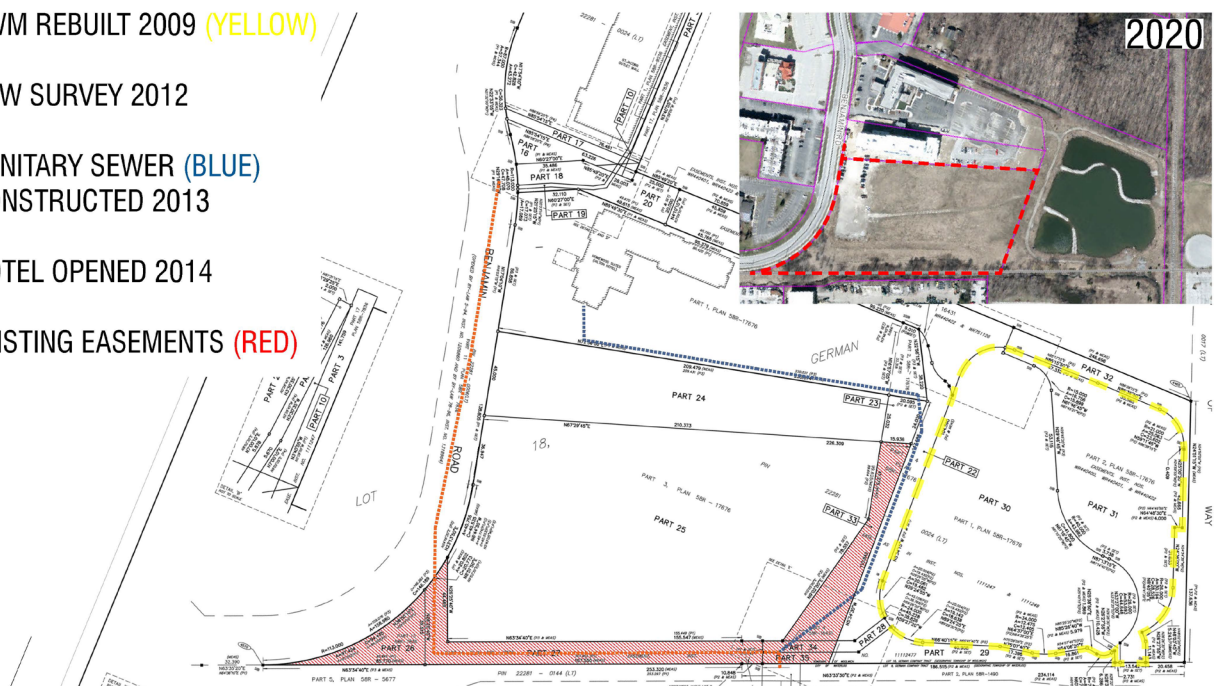
SWM REBUILT 2009 (YELLOW)

NEW SURVEY 2012

SANITARY SEWER (BLUE)
CONSTRUCTED 2013

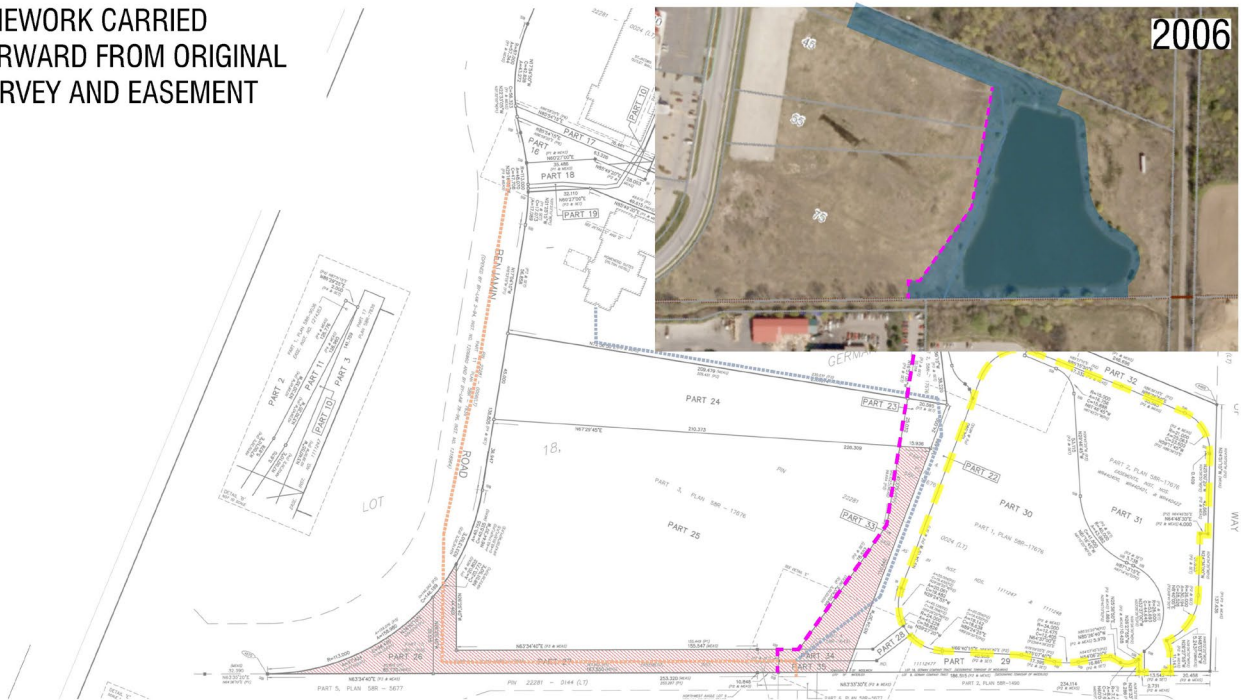
HOTEL OPENED 2014

EXISTING EASEMENTS (RED)



You can see the existing easement limit again relates to the historic SWM pond layout.

LINEWORK CARRIED
FORWARD FROM ORIGINAL
SURVEY AND EASEMENT



Shown in green is what Schlegel and MTE have proposed as an easement at 6m wide centered along the sanitary sewer line. The orange hatch shows what MTE has identified as the excess easement area over privately owned lands, equal to about a third of an acre.

SWM REBUILT 2009 (YELLOW)

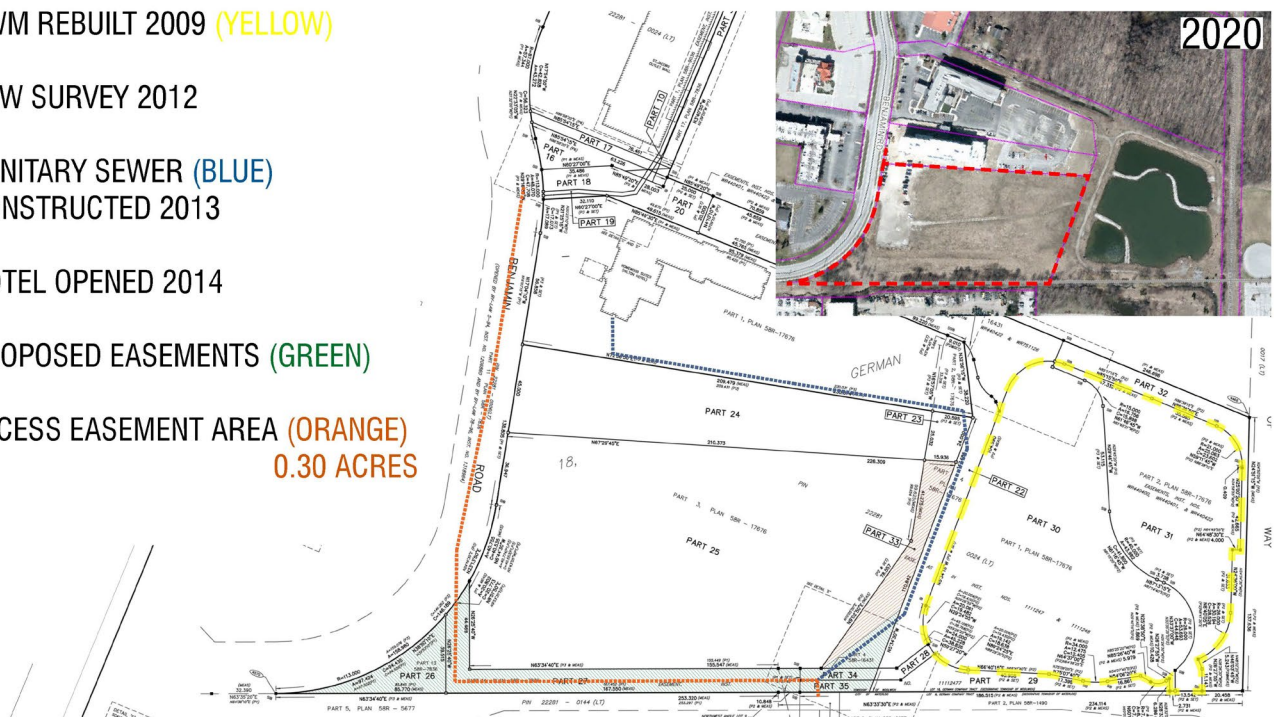
NEW SURVEY 2012

SANITARY SEWER (BLUE)
CONSTRUCTED 2013

HOTEL OPENED 2014

PROPOSED EASEMENTS (GREEN)

EXCESS EASEMENT AREA (ORANGE)
0.30 ACRES

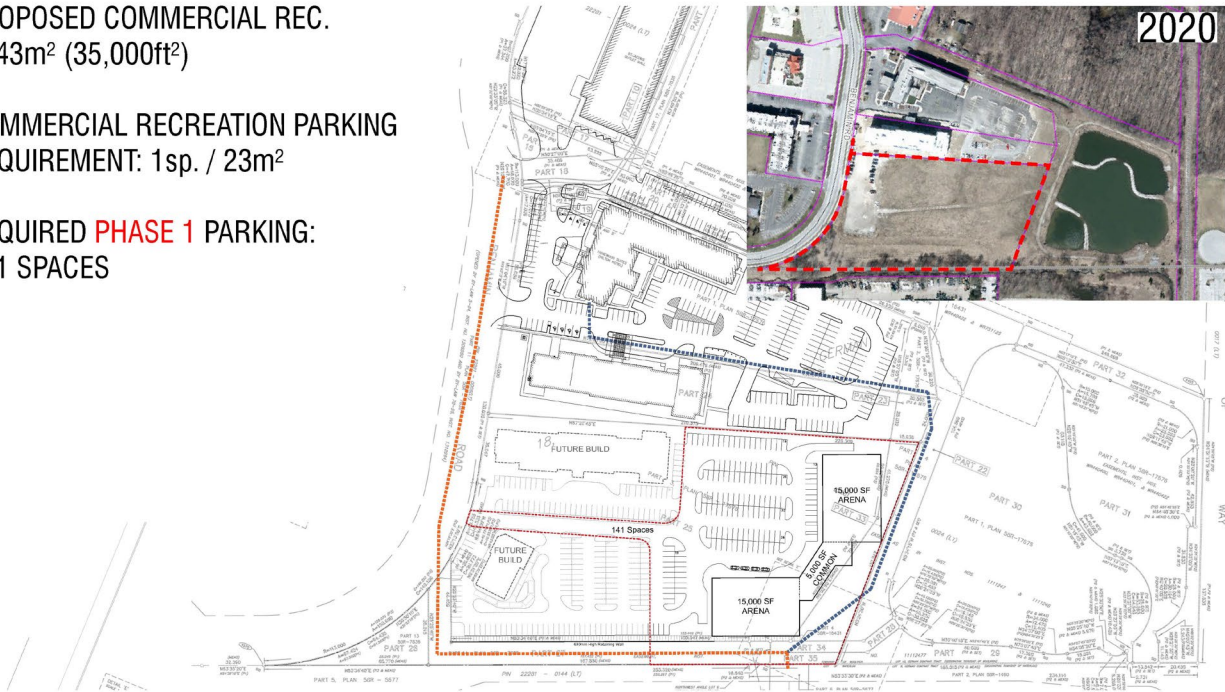


Overlaid on the next slide you can see the proposed concept plan with the 35,000 sq ft commercial recreation use, as well as a hotel and an additional mixed commercial building. Phase 1 requires 141 parking spaces and is outlined in red. We are providing the minimum number of spaces per the by-law.

PROPOSED COMMERCIAL REC.
3243m² (35,000ft²)

COMMERCIAL RECREATION PARKING
REQUIREMENT: 1sp. / 23m²

REQUIRED **PHASE 1** PARKING:
141 SPACES



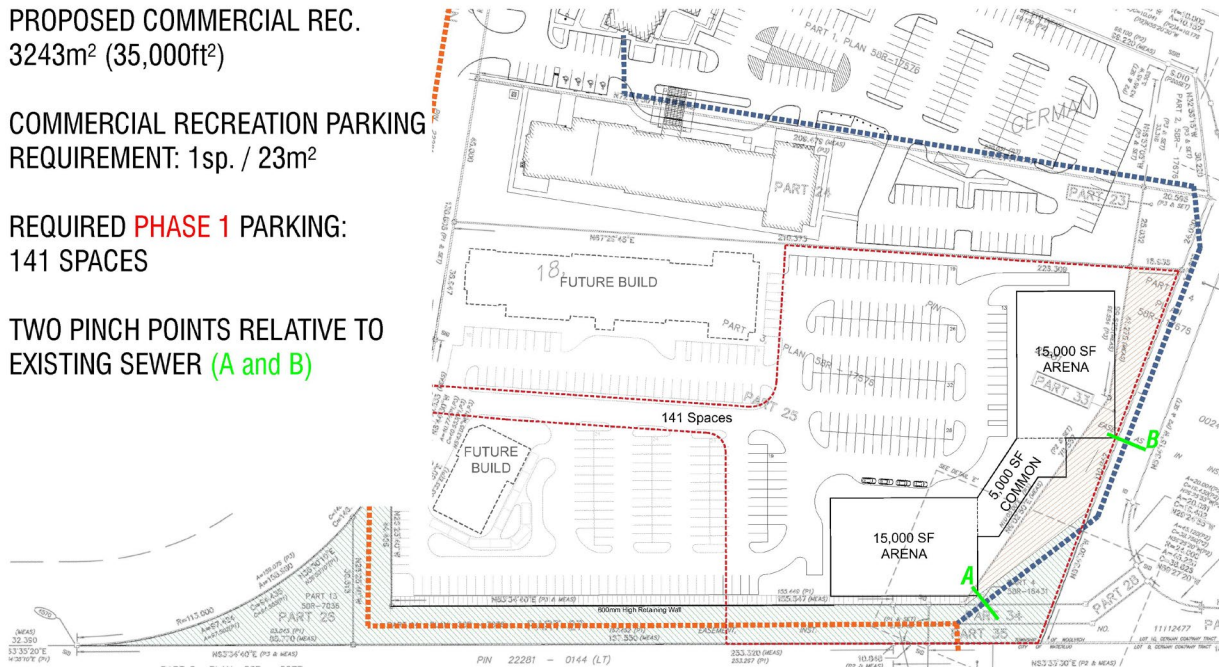
Based on the current concept plan and the proposed 6 metre easement, MTE identified two pinch points where the building is closest to the sanitary sewer. The first pinch point is in the southeast corner labelled as "A" and the second at the rear of the property labelled as 'B'.

PROPOSED COMMERCIAL REC.
3243m² (35,000ft²)

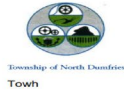
COMMERCIAL RECREATION PARKING
REQUIREMENT: 1sp. / 23m²

REQUIRED **PHASE 1** PARKING:
141 SPACES

TWO PINCH POINTS RELATIVE TO
EXISTING SEWER (**A and B**)



MTE developed their proposed easement based on the Design Guidelines of Supplemental Specifications for Municipal Services. The Township's standard easement requirement for this pipe is a 6m easement, as the depth of the pipe is not deep enough to require a larger minimum easement. Staff have requested a 10m wide easement which is 67% larger than the required standard.



Region of Waterloo and Area Municipalities
Design Guidelines and Supplemental Specifications
for Municipal Services
January 2021

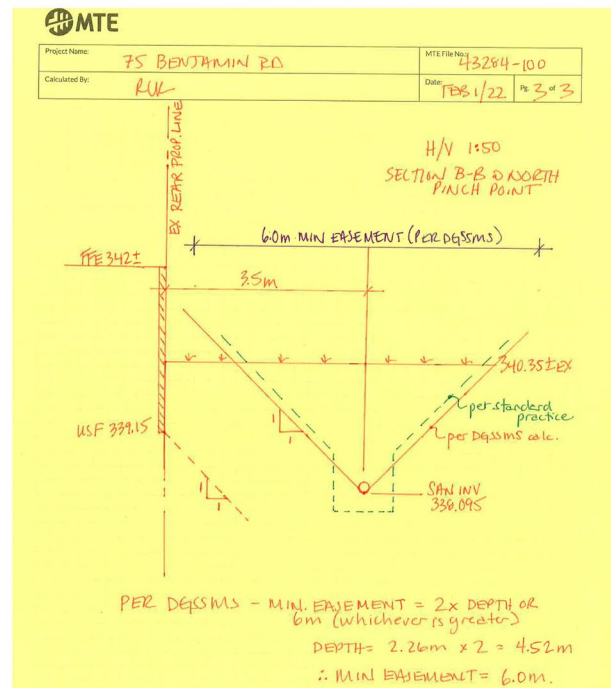
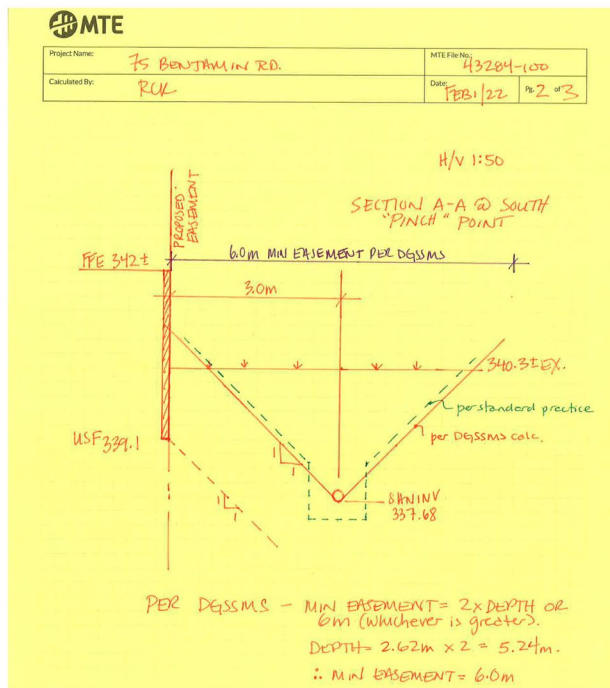
B.1.6 Easements

The minimum easement width shall be the greater of:

- 2 x depth where the depth is from the proposed final grade to the invert rounded up to the nearest half metre.
- 5.0 m in **Guelph, Kitchener, Cambridge, Region of Waterloo, and Waterloo**
- 6.0 m (4.0 m if concrete encased) in the **Township of Wilmot and Township of Woolwich**

The Engineer shall also consider the soil conditions and constructability and future maintenance when selecting the easement width. In addition, if more than one utility is B-1

These cross sections were prepared by MTE and were provided to Staff following a meeting regarding easement requirements. Both cross sections demonstrate that the proposed building location does not impede the ability to maintain the sewer.



Included in staffs report is recommendation to provide a 7.5 metre rear yard setback . Since receiving the staff report they have determined the approximate impacts to the current concept plan if a 7.5m rear yard is required. The net result means that 28 fewer hotel rooms could be built, or about 7000 fewer square feet of commercial space based on potential loss of parking.

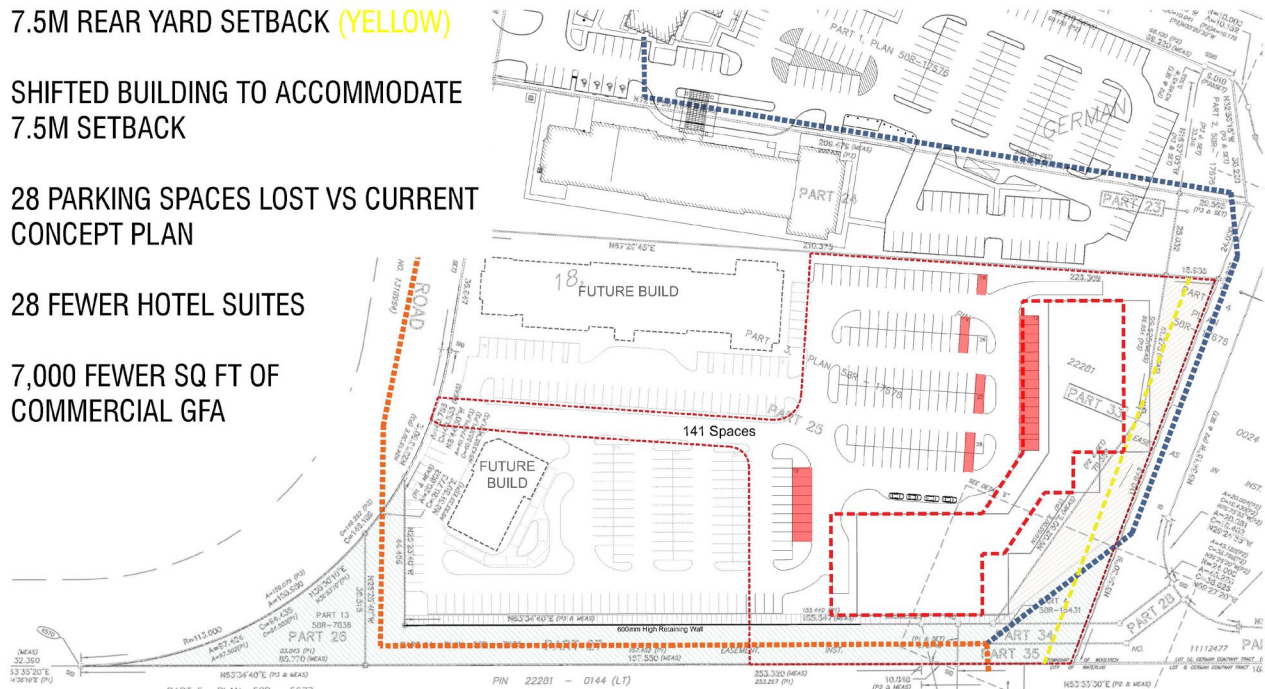
7.5M REAR YARD SETBACK (YELLOW)

SHIFTED BUILDING TO ACCOMMODATE
7.5M SETBACK

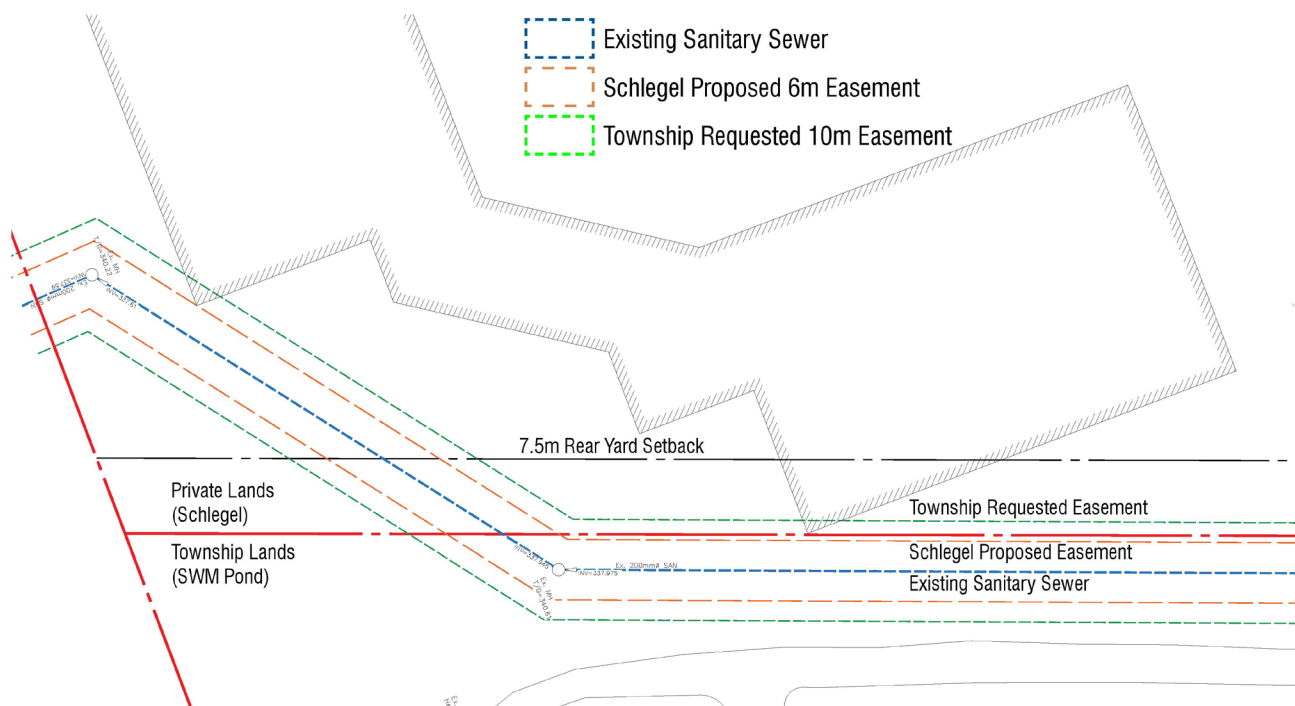
28 PARKING SPACES LOST VS CURRENT
CONCEPT PLAN

28 FEWER HOTEL SUITES

7,000 FEWER SQ FT OF
COMMERCIAL GFA



This slide identifies the various options discussed with Staff, including a 6m easement shown in orange, a 10m easement as identified by Staff in green, and the standard 7.5m rear yard setback in black.



The Committee questioned staff on the proposed recommendation against allowing construction to a zero metre lot line setback and if they can provide background information. Mr. Gundrum advised staff have concerns with the inability for the maintenance and upkeep of the future building. As well, as forwarded by Infrastructure Services staff, the Township is requesting a 10 metre sanitary sewer easement (5 metres on either side of the pipe). Mr. Gundrum noted it is not to say that by recommending denial of the zero metre setback that staff are not open to some sort of compromise with the applicant. The Committee noted concern as well for access, maintenance and fire fighting on the subject property.

The Committee asked the applicant to share the diagram identifying the required easements noting that, although the application is for a zero lot line setback, how much of a reduction to the rear yard setback could they work with. Mr. Vandersluis advised that what is shown is an approximate length of 15 metres of building that would encroach into the required 7.5 metre setback. After a discussion with staff and with a proposed sanitary sewer easement of 10 metres it would require in effect a 1.5 metre setback noting that the sanitary sewer line is approximately 3.5 metres off the rear property line.

The Committee inquired how they can incorporate room for negotiation on the setback without denying the entire application and keep everyone in the loop to go ahead.

Mr. Bender noted they have not had a chance to discuss with Township staff whether changing their request to a 1.5 metre setback is acceptable. It was noted that a 1.5 metre setback would accommodate a 10 metre wide easement. Mr. Bender added that this is not a complete site plan and the buildings at the front of the property are conceptual only as they are focussing on the commercial building at the rear of the property for a new business that they feel is going to be a good fit in this area.

Mr. Bender commented they appreciate that a maintenance access needs to be in place and noted there is a maintenance access road between 25 Benjamin Road and the hotel for the stormwater management pond to the east of their land / proposed building. The applicant is willing to enter into a maintenance agreement with the Township over this access road if that is an option to be considered.

The Committee inquired of staff on the discussion for a 1.5 metre rear yard setback and how does this work for the Township. Mr. Gundrum noted a reduced rear yard setback to 1.5 metres would be acceptable so long as the 10 metre easement is still preserved. Mr. Gundrum advised the Committee that regardless of the setback that is considered today it will not act to override any future protection to the easement noting that no building or structure would be permitted to be constructed within the easement and the easement would still stand with the Township. The suggestion to propose an alternative reduction to 1.5 metres would provide sufficient setback to preserve the 10 metre easement the Township is looking to maintain. Mr. Gundrum advised that staff have prepared an alternative recommendation for the Committee to consider. The alternate resolution was put on screen for the Committee and the applicant to review.

*THAT Minor Variance Application A07/2022 (Schlegel Urban Developments Corp.) concerning the subject property described as Part of Lot 18, GCT, Parts 25 to 27 and 33 to 35 on 58R-20073, municipally addressed as 75 Benjamin Road, requesting the following relief from the Zoning By-law, **be approved:***

- 1) Relief from Zoning By-law Section 20C.5.5 to permit a reduced rear yard setback of 1.5 metres whereas the Zoning By-law requires 7.5 metres where this reduced setback does not otherwise encroach upon that area associated with a registered easement pertaining to an existing sanitary sewer pipe located adjacent to and across the subject property; and*

- 2) *Relief from Zoning By-law Section 2.23a to interpret an indoor virtual reality electric-vehicle kart racing facility as a permitted use under the land-use definition of "Commercial Recreation."*

The Chair inquired of the Committee and applicant if there were any comments on the alternate resolution, and in particular item 1), as provided by staff. Mr. Bender commented that this is a historical easement, and it is appropriate to scale it back however he is trying to understand the second part of item 1) of the recommendation and if the setback proposed at 1.5 metres is to the property line.

Mr. Gundrum advised this will establish a 1.5 metre rear yard setback which would be overridden where the easement exists to ensure no encroachment. Mr. Vandersluis concurred he has the same interpretation in that the setback is proposed to be 1.5 metre while respecting the limits of the easement.

The Committee inquired of the applicant if they are in agreement that this will work for their proposal. Mr. Bender advised yes, they can work with this noting they still feel that their position for a 6 metre easement is reasonable and is a standard in many other locations. They also understand that Township Engineering staff are not in agreement with this and support the proposal for a 1.5 metre setback versus 7.5 metres as required.

The Committee advised they were not in support of a zero metre setback however could look to support this alternative recommendation of 1.5 metres.

There were no members of the public wishing to speak to the application.

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

Moved by – Tim Cronin

Seconded by – Charles Zeidler

THAT Minor Variance Application A07/2022 (Schlegel Urban Developments Corp.) concerning the subject property described as Part of Lot 18, GCT, Parts 25 to 27 and 33 to 35 on 58R-20073, municipally addressed as 75 Benjamin Road, requesting the following relief from the Zoning By-law, **be approved:**

- 3) Relief from Zoning By-law Section 20C.5.5 to permit a reduced rear yard setback of 1.5 metres whereas the Zoning By-law requires 7.5 metres where this reduced setback does not otherwise encroach upon that area associated with a registered easement pertaining to an existing sanitary sewer pipe located adjacent to and across the subject property; and
- 4) Relief from Zoning By-law Section 2.23a to interpret an indoor virtual reality electric-vehicle kart racing facility as a permitted use under the land-use definition of "Commercial Recreation."

CARRIED

APPROVAL OF PREVIOUS MINUTES

Moved by – Tim Cronin

Seconded by – Hans Pottkamper

THAT the minutes of the Committee of Adjustment meeting held January 18, 2022 be approved as circulated.

CARRIED

OTHER BUSINESS

Mr. Gundrum advised that a one day virtual hearing has been scheduled for March 31st for the Marbro application (B13/2021). The Committee inquired if they are able to observe this hearing. Mrs. Thompson advised she would check with the Township Solicitor and advise accordingly.

Meeting adjourned.

Submitted by,

Nancy Thompson

Secretary Treasurer