

**Township of Wilmot
Committee of Adjustment Minutes
March 3, 2021**

Present: W. Roth
S. Miller
T. Bowman
L. Lalonde
P. Roe

A. Martin – Manager of Planning/EDO
C. Miller – Planner

I. MINOR VARIANCE SUBMISSIONS

1. Submission A-04/21 – Oudman Investments Inc.

**RE: Lot 49, Part of Lots 47, 48 & 50, Plan 628
53 Mitchell Street, New Dundee
Roll No: 301802000321800**

Attendees: Harry Oudman.

Written Submissions:

1. From the Grand River Conservation Authority stating no concerns.
2. From the Region of Waterloo indicating no comments.
3. From the Township of Wilmot expressing no concerns.

C. Miller introduced the application to the Committee.

Motion:

L. Lalonde – T. Bowman: That the Wilmot Committee of Adjustment approve Submission A-04/21, by Oudman Investments Inc., affecting Lot 49, Part of Lots 47, 48 & 50, Plan 628, to reduce the exterior side yard setback of a single detached dwelling from 6 metres to approximately 4.27 metres.

Carried.

The Wilmot Committee of Adjustment approved Submission A-04/21 for the following reasons:

1. That the variance is minor in nature.
2. That the request maintains the intent of the Zoning By-law.

2. Submission A-05/21 – Mike & Linda Shantz

**RE: Part of Lot 20, Concession South of Erb's Road
3429 Erb's Road
Roll No: 301809001000600**

Attendees: Mike & Linda Shantz

Written Submissions:

1. From the Grand River Conservation Authority stating no comments.
2. From the Region of Waterloo indicating no comments.

C. Miller introduced the application to the Committee.

Motion:

P. Roe – S. Miller: That the Wilmot Committee of Adjustment approve Submission A-05/21, by Mike & Linda Shantz, affecting Part of Lot 20, Concession South of Erb's Road, to increase the maximum allowable lot coverage of a building containing an additional dwelling unit (detached) from 75% of the lot coverage of the main dwelling to approximately 85%, provided the additional dwelling unit occupies no more than 35% of the floor area of the detached structure.

Carried.

The Wilmot Committee of Adjustment approved Submission A-05/21 for the following reasons:

1. That the variance is minor in nature.
2. That the request maintains the intent of the Zoning By-law.

II. CONSENT SUBMISSIONS

1. Submission B-02/21 – 2290816 Ontario Ltd.

**RE: Part of Lot 110, Plan 627
Being Part 1 on 58R-8563
Roll No: 301804000610100**

Attendees: None.

Written Submissions:

1. From the Grand River Conservation Authority stating no comments.
2. From the Region of Waterloo indicating no concerns.
3. From Bell Canada expressing no concerns.
4. From the Township of Wilmot expressing no concerns.

C. Miller introduced the application to the Committee.

Motion:

T. Bowman – L. Lalonde: That the Wilmot Committee of Adjustment approve Submission B-02/21, by 2290816 Ontario Ltd., affecting Part of Lot 110, Plan 627, Being Part 1 on 58R-8563, to split the subject property in half to divide ownership of a proposed semi-detached dwelling, subject to the following:

1. That, prior to the stamping of the deeds, the applicant shall pay the following:
 - a) any outstanding taxes on any part of the lands
 - b) any outstanding water charges on any part of the lands.
 - c) any outstanding local improvement charges;
2. That, prior to the stamping of the deeds, the conditions of the Region of Waterloo with respect to the dedication of a road widening, be completed to the satisfaction of the Region of Waterloo;
3. That, consent of the Committee shall be deemed to be refused if conditions are not complete within one year from the date notice of approval was given; and,
4. That the consent of the Committee shall lapse two years from the date of approval.

Carried.

The Wilmot Committee of Adjustment approved Submission B-02/21 for the following reasons:

1. That the request represents logical and orderly development of the subject lands.
2. That the request maintains the intent of the Official Plan and Zoning By-law.

2. Submission B-03/21 – 2290816 Ontario Ltd.

**RE: Part of 87, Lots 88 & 89, Plan 627
4-6 Louisa Street, Baden
Roll No: 301804000610800**

Attendees: Brian Miller, 18 Louisa Street; Andrea Shinnie, 101 Louisa Street; Dave Szedetski, 11 Louisa Street; Darlene Vandenakerboom, 146 Foundry Street; Vic Rocha, 25 Louisa.

Written Submissions:

1. From the Grand River Conservation Authority stating no concerns.
2. From the Region of Waterloo indicating no concerns.
3. From Bell Canada expressing no concerns.
4. From the Township of Wilmot expressing no concerns.

C. Miller introduced the application to the Committee.

In response to an invitation for comment from W. Roth, B. Miller spoke against the application. B. Miller discussed existing drainage issues on his property that abuts the subject property, which would be exacerbated by the development on the neighbouring lot. He went onto discuss that the proposed driveway locations would result in water runoff to flood the sidewalks across the subject property. B. Miller stated the proposed development would result in a major increase in traffic, and that Louisa Street is much narrower than other streets in Baden.

Following the comments from B. Miller, W. Roth asked staff if there were any existing plans to upgrade Louisa Street. A. Martin followed up by saying that there are not currently any plans for the reconstruction of Louisa Street. A. Martin went onto discuss that while this development does not trigger the requirement

for road upgrades, that the Township's Public Works and Engineering Department has been made aware of the concerns.

A. Shinnie provided a presentation centring around her concerns relating to street width, increased traffic volume, drainage issues and the property's zoning. A. Shinnie began by discussing that the current intersection at Louisa and Foundry Streets does not meet current standard street allowances. Ms. Shinnie asked a question to staff regarding why a traffic analysis was not required as part of this proposal. A. Martin responded by saying that the Region of Waterloo does regularly conduct traffic analysis and that the proposal was reviewed by both Region of Waterloo's Transportation division and the Township's Public Works & Engineering Department and that no concerns relating to traffic were raised. A. Shinnie followed up by asking if there was a minimum setback for a driveway to an intersection. A. Martin responded by saying that access permits were required and approved by the Township of Wilmot's Public Works & Engineering Department.

Ms. Shinnie asked if the developer would be required to put in a sidewalk as part of this development. A. Martin responded by saying that sidewalks are not planned as part of the street's profile. A. Shinnie discussed her concerns relating to the demolition of older homes for redevelopment. P. Roe, a member of Heritage Wilmot, commented by saying that concerns relating to the preservation of older buildings should be brought to Heritage Wilmot.

D. Szedetski spoke in opposition to the application. He began by discussing existing water and drainage problems on the sidewalks of Louisa Street. He went onto discuss traffic and parking issues that would be worsened by the proposed development.

The next delegate, D. Vandenakerboom, spoke in opposition to the application. Ms. Vandenakerboom began by questioning the timing of public notice that was provided. She stated that in March 2020, she called the Township at which time she was told that if the zoning of the property were to change, that neighbouring property owners would be notified. D. Vandenakerboom questioned why she was not notified that the property changed from a single detached dwelling to a semi-detached dwelling with accessory apartments. She went onto discuss that the Township's website states that applications are required to be received 25 days before the date of the meeting and that this application appears to have been received after this. She continued to discuss that she was previously told that existing infrastructure was not large enough to support new construction in Baden and questioned why this development is not considered new development.

The last delegation, V. Rocha, acknowledged that most of his concerns had been addressed by previous delegates. V. Rocha stated his biggest concern was the neighbourhood is converting from single family homes to semi-detached homes and other forms of housing. Mr. Rocha stated that while many of the issues previously raised relating to drainage and traffic are existing, they will be worsened by this development.

Ms. Shinnie added by asking the exact date when the zoning was changed to a single-family dwelling to a semi-detached and what the official definition of a semi-detached is. C. Miller followed up by saying that the zoning of the property has not changed since 1983. C. Miller continued by explaining that the recent review of the Township's Zoning By-law in August 2020 resulted in changes to the terminology of residential conversions to additional dwelling units, but that the regulations themselves have not changed.

Ms. Shinnie followed up by questioning the 25-day requirement for applications to be received. A. Martin stated that it is a deadline imposed on the applicant to ensure that Township staff have ample time to meet the 14-day legislative requirement to circulate and provide notice of the application. C. Miller confirmed that the application was circulated on February 11, 2021 – 20 days before the meeting date. In response to comments from A. Shinnie, Mr. Martin followed stated a lot grading and drainage plan was approved by the Township prior to the building permit being approved.

Acknowledging the concerns raised by all delegates, W. Roth stated that awareness to existing issues had been raised but recognized the scope of the Committee of Adjustment to enforce issues relating to the Planning Act.

Returning to speak, Mr. Rocha followed up by asking if there is future development planned west of Foundry Street. A. Martin responded by stating that there are existing lots on a plan of subdivision, but for those lots to be developed, the road would need to be brought up to municipal standard.

Ms. Shinnie returned to reiterate that the concerns raised by delegates should influence a decision as to whether the proposal should be approved.

Following invitation for questions from the Committee members from W. Roth, L. Lalonde questioned why the existing water issues were not taken into consideration at the time of the initial building permit. A. Martin responded by stating lot grading and drainage plan was required and approved but continued by recognizing that there while there are several noted existing issues, that it is not the sole responsibility of one property owner to make improvements to existing problems.

T. Bowman began by thanking the delegates for attending the meeting and expressing their concerns. Mr. Bowman asked that if a severance were not to occur, if the semi-detached could be constructed. C. Miller responded by saying that the current zoning does permit a semi-detached dwelling and that this application would divide ownership of said dwelling. W. Roth added that pride of ownership is an important factor to be considered.

Pointing to the sketch, P. Roe referred to the label stating, “Future Semi-detached dwelling” and asked if it were to be expected that another semi-detached is planned to be constructed. C. Miller stated that in preliminary discussions with the applicant, that the intention is to construct another semi-detached dwelling on the vacant retained parcel. C. Miller added that to remain transparent, the likely development and location of the building on the retained parcel was included as part of this application.

S. Miller asked that if the severance were to not be approved, if an additional dwelling unit (detached), could be constructed on the parcel that would be created through this application. C. Miller responded by saying that the zoning does allow for both an additional dwelling unit (attached) and an additional dwelling unit (detached). C. Miller finished by stating that if the severance were to be refused, the applicant would be permitted under current zoning to construct an additional dwelling unit (detached) that does not exceed 75% lot coverage of the main dwelling.

Following C. Miller’s comments, A. Shinnie asked what the next course of action would be if the severance were to be approved, and when the drainage and road issues would be addressed. A. Martin responded by saying that any major road works would need to be identified through a 10-year capital plan and that the issues would be brought forward to the attention of the Public Works and Engineering Department for further consideration through their planning and capital forecasts for road improvements.

Motion:

T. Bowman – S. Miller: That the Wilmot Committee of Adjustment approve Submission B-03/21, by 2290816 Ontario Ltd., affecting Part of Lot 87, Lots 88 & 89, Plan 627, to sever lands for the purpose of dividing ownership of a semi-detached dwelling currently under construction:

1. That, prior to the stamping of the deeds, the applicant shall pay the following:
 - a) any outstanding taxes on any part of the lands
 - b) any outstanding water charges on any part of the lands.
 - c) any outstanding local improvement charges;
2. That, prior to the stamping of the deeds, the conditions of the Region of Waterloo with respect to the dedication of a road widening and daylight triangle, be completed to the satisfaction of the Region of Waterloo;
3. That, consent of the Committee shall be deemed to be refused if conditions are not complete within one year from the date notice of approval was given; and,
4. That the consent of the Committee shall lapse two years from the date of approval.

In Favour: T. Bowman, S. Miller, P. Roe

Opposed: L. Lalonde

III. MINUTES

Motion:

P. Roe – L. Lalonde: That Wilmot Township Committee of Adjustment approve the minutes of the February 3, 2021 meeting.

Carried.

IV. NEXT MEETING

April 7, 2021 – 7:00 p.m., to be held through a virtual format.