



MINUTES

MEMBERS PRESENT:

John Sepulis, Chair
Councillor Ken Roth
Dennis O'Connor
Deep Basi

MEMBERS ABSENT:

Dianne Paron

OTHER STAFF IN ATTENDANCE:

Kelly Patzer – Development Coordinator
Sarah Wilhelm – County of Wellington
Karen Landry – CAO/Clerk
Marny Mason
Liz Nimmo
Wayne Hodges
Joan Hodges
Anna Vera
Javier Vera
Dave Hazelwood
Isabelle Hazelwood
Jay Wilson

Councillor Susan Fielding
Rev. Marcie Gibson
Jeff Buisman
Gerie McCauley
Mike McCauley
Sally Prior
Dave Prior
Doug Smith
Jessica Goyda
Stephen Goyda
John Lawrence
Joel Sypkes

1. OPENING REMARKS

- The meeting was called to order at 7:00 pm. The Chair welcomed the gallery to the Committee of Adjustment meeting and informed the gallery Township Staff would present the application, then the applicant would have the opportunity to speak to present the purpose and details of the application and provide any further relevant information. Following this the public can obtain clarification, ask questions and express their views on the proposal. The members of the Committee can then obtain clarification, ask questions and express their views on the proposal. All application decisions are subject to a 20 day appeal period.

2. DISCLOSURE OF PECUNIARY INTEREST

- None

3. APPROVAL OF MINUTES

Moved by Ken Roth and Seconded by Deep Basi

That the minutes of the Committee of Adjustment meeting held Tuesday February 9th, 2016 be adopted.

CARRIED

4. COMMITTEE OF ADJUSTMENT – Applications for Minor Variance

- 4(a) **Minor Variance Application D13/VER – Anna & Javier Vera** – Property described as Part Lot 18, Concession 4, 6964 Concession 4, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to allow a 28 metre frontage instead of 121.9 metres on the retained parcel of Wellington County severance application B117/15

- Kelly Patzer stated that the application for reduced frontage is a Township condition of County of Wellington severance application B117/15. The application was circulated to properties 60 metres from the subject property and required staff and agencies. No objections were received from circulated agencies or the public.
- Jeff Buisman of VanHarten Surveying, agent, presented the application and noted that the application for the proposed frontage applies to the retained parcel. The frontage on the severed parcel is 76 metres. The proposed severance was created this way to protect environmental features on the property and to have the property entrances close to each other for safe access onto Concession 4 Road.
- There were no questions or comments from the Public or Committee.

Moved by Dennis O'Connor and Seconded by Deep Basi

In the matter of Section 45 (1) of the Planning Act, as amended, and Comprehensive Zoning By-law 19/85 as amended, and an application for a minor variance requesting permission to allow:

1. A 28 metre minimum lot frontage; whereas, Section 5.3(b) of the by-law, Agricultural Zone, Zone Requirements, requires a minimum lot frontage of 121.9 metres for properties 4.0 hectares or greater in area.

The request is hereby Approved.

CARRIED

4(b) Minor Variance Application D13/WIL – Jay Alec Stirling Wilson – Property described as Part Lot 6, Concession 5, 4783 Wellington Road 32, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to allow for the proposed 26 m frontage on the retained parcel of Wellington County severance application B115/15.

- Kelly Patzer stated that the application for reduced frontage is a Township condition of County of Wellington severance application B115/15. The application was circulated to properties 60 metres from the subject property and required staff and agencies. No objections were received from circulated agencies or the public.
- Jeff Buisman of VanHarten Surveying, agent, presented the application and noted that the reduced frontage applies to the retained parcel and noted that the parcel is 4.2 hectares in size. If it was under 4 hectares that the lot frontage minimum requirement would be 24.3 metres.
- There were no questions or comments from the Public or Committee.

Moved by Ken Roth and Seconded by Deep Basi

In the matter of Section 45 (1) of the Planning Act, as amended, and Comprehensive Zoning By-law 19/85 as amended, and an application for a minor variance requesting permission to allow:

1. A 26 metre minimum lot frontage; whereas, Section 5.3(b) of the by-law, Agricultural Zone, Zone Requirements, requires a minimum lot frontage of 121.9 metres for properties 4.0 hectares or greater in area.

The request is hereby Approved.

CARRIED

4(c) Minor Variance Application D13/SLO – Slood Construction Ltd. – Property described as Part Lot 7, Concession 9, 599 Arkell Road, Township of Puslinch.

Requesting relief from provisions of Zoning By-Law #19/85, as amended, to allow 5 parking spaces instead of the 11 that are required for a mixed use building of a professional office, retail/variety store and restaurant.

- Kelly Pater detailed that the minor variance is a result of a proposed intensification of the property at 599 Arkell Road. A restaurant and market store use is newly proposed on the main floor of the building and the second floor of the building is currently an office for a construction company. The site is able to accommodate 5 parking spaces for a total of the uses proposed.
- Kelly Patzer stated that the application was circulated to staff and neighbouring properties within 60 metres of the subject property. There were no objections from commenting staff and County Engineering noted that the Highway Traffic Act restricts parking on the right-of-way to permit snow removal from November through to March.
- Kelly Patzer noted the County Parking by-law states that “no person shall park a vehicle upon a highway between the hours of 2 and 6am of any day during the months of November through to March.
- Kelly Patzer indicated that the Township received 6 letters of opposition for the parking variance that stated the reduction of parking is not minor, noted concerns such as an increase in traffic, the potential increase in accidents from on-street parking, possible parking of customers on Boreham Drive and the increased use of the existing on-street parking.
- Kelly Patzer indicated that approximately 15 letters of support were received for the variance, noting that a reduction of parking is minor and believe the restaurant is a positive addition to the community as a local gathering establishment, and the community has been able to accommodate parking for special events at the church and historic uses of the subject property such as a General Store and Post Office.
- Kelly Patzer noted that a breakdown of required parking was provided by the agent and it showed that the barrier free parking space was added as a required parking space, the by-law includes a barrier free parking space within the total calculation of required parking spaces. Therefore, 10 spaces are required for the total of the proposed uses, not 11.
- Jeff Buisman of VanHarten Surveying, agent, presented the application. A restaurant, The Dirty Apron, is proposed in the existing building and the property can accommodate only 5 parking spaces. The building has existed a long time on the property and has been a cornerstone of the community, at one time being the Arkell Post Office.
- Jeff Buisman outlined the proposed business is a variety store type use of a grab and go market with prepared foods, ready-made meals, soups, stocks, sauces, pizza, and fresh meats where people in the community can pick up items to go. There is also an open kitchen/bistro area that will offer cooking classes and an 18-20 seat dining area that will be operating as a restaurant approximately three nights a week.
- Jeff Buisman presented the following parking calculation based on the combined uses for Section 3.16(c) of the Zoning By-law:

(iii) A business office: 135m ² /40m ² =	4 spaces
(xii) A retail/variety store =	1 space
(xiii) A restaurant - greater of:	
20 seats in dining room/4 =	5 spaces
26m ² per first floor plan/10 =	3 spaces
3.16(m) Barrier free parking =	<u>1 space</u>
Total =	11 spaces
- Jeff Buisman clarified that he misinterpreted the by-law, and a barrier free parking space is included in the total required parking, not in addition, therefore 10 spaces are required for the proposed use.
- Jeff Buisman noted that there are 2 employees in the existing office on the second floor, but if the application is approved and the restaurant/market store is able to open, the Slood Construction office is moving to a new location and there would no longer be any traffic to the site relating to the construction business. The upstairs would be used as storage and an office space for the restaurant and would not be a separate business.

- Jeff Buisman indicated that there are approximately 18-20 public parking spaces in Arkell and that old downtowns with commercial buildings generally do not have adequate parking.
- Jeff Buisman stated that a building permit for a redesigned septic has been approved and a Site Plan application is in process that proposes a new board fence along the property lines between the neighbouring residential properties. There will be a landscape buffer approximately 2.5 metres in width between the parking area and fence on the property line, greater than the required 1.5 metre landscape buffer in the C1 Zone.
- Jeff Buisman noted that the existing deck is being removed on the other side of the building.
- Jeff Buisman noted that historically the Arkell school house held concerts and parking was accommodated in the village and the Church uses the parking area at 599 Arkell on Sundays.
- Jeff Buisman concluded that the application meets the 4 tests of a minor variance. The reduction in parking is minor and will have a limited impact on the existing parking in Arkell, the community has a history of sharing public parking spaces and the office use and related traffic will be decreased; the intent and purpose of the zoning by-law is maintained as the proposed uses are permitted; the intent and purpose of the official plan is maintained as local commercial uses are permitted in the Hamlet areas and the variance is desirable as the building has been a meeting place in Arkell for many years and the use will contribute to the character and community spirit of Arkell.
- Marny Mason of 13 Boreham Drive, questioned how the letters of support relate specifically to parking and how the letters are weighted and believes that a 50% reduction in parking is not minor.
- John Sepulis indicated that the application is considered based on staff and public comments and the variance request.
- Sarah Wilhelm noted there is not a specific formula for variances and is often assessed if a request is minor in terms of impact. There is also case law that can have an impact on a decision.
- Marny Mason inquired if the parking calculation includes staff parking for the business and noted on-street parking is used for 3 or 4 other businesses who are concerned in a reduction of available parking for their customers.
- Marny Mason noted that some of the public parking spaces along the church are used by residents for mail pick-up and the remainder of the parking is often full. An additional business using the parking is a concern as it reduces the available parking for the community and is a safety concern for neighbours.
- David Prior of 835 Watson Rd. S. stated the business has an on-going application for a liquor licence and has filed a complaint to the Township regarding the landscaped area between 599 Arkell and his property and noted the landscape buffer should be 4.5 metres and that would further reduce the parking area.
- Sarah Wilhelm confirmed that a 4.5 metre landscaping buffer is not required.
- David Prior stated that he has not been advised by the Township that the Township does not agree with his interpretation of the Township's Zoning by-law requirements particularly as they related to the minimum landscaping buffer requirements.
- David Prior indicated that there are 4 home operated businesses within the vicinity who use the public parking and does not believe that best efforts have been made to achieve more parking on the property.
- David Prior remarked there have been discrepancies between the square footage of the restaurant between the liquor licence and parking calculation for the site plan.
- David Prior stated that the application for reduced parking is not minor and the impact will be negative on the community of Arkell.

- Jeff Buisman clarified that the restaurant is 18-20 seats and cooking classes will be held in the space when it is not a restaurant.
- John Sepulis indicated that the committee considers the application that is submitted and the report and comments submitted by staff to ensure the application is accurate.
- Gerie McCauley of 834 Watson Rd S. stated that when there were concerts at the old school house residents were putting rocks on the boulevard to prevent cars parking on their property. Arkell is a small community and Council and the Committee should ensure that the owners of 599 Arkell abide by the regulations of the by-law.
- Sally Prior of 835 Watson Rd S. noted there was not a representative here to speak on behalf of the church. The church requires 15 parking spaces and there are several events and meetings held at the church and the public parking is full during these times and she has no option but to walk around cars.
- Sally Prior noted there are only 4 public spaces available along Arkell Road to maintain required distances from driveways and stop signs, and three of the parking spaces along Arkell Road beside the church are not full spaces due to the mail boxes impeding the spaces and one space is reserved for the church reverend.
- Doug Smith of 570 Arkell Road, stated when there are cars parked in front of the super mail boxes on Arkell road Canada Post does not deliver the mail, and this happens approximately three times a week. The church and the existing businesses in the area already use all of the available parking.
- Doug Smith asked about the septic and garbage storage on the property.
- Doug Smith also referred to another construction business on Watson Road.
- John Sepulis stated the variance requested is for parking and the details of the site plan are addressed under a separate application process.
- Jessica Goyda of 859 Watson Rd S (co-owner of the proposed restaurant business) stated a septic permit has been issued for the property. She knows that there are concerns regarding the business which she does not take lightly and has made concessions to alleviate the concerns of the neighbours. Plans for exterior seating have been removed and a fence with landscaping is proposed adjacent to 835 Watson Road S. that will block light and give privacy.
- Jessica Goyda stated there is enough parking in the area for a variance reduction of 5 required spaces, and the impact of 5 additional cars is minimal and will not add congestion. There will be 18 seats in the restaurant and she does not anticipate customers would be parking on Boreham Drive.
- Jessica Goyda remarked that there are a lot of people who want to see this establishment come to life and not permitting the relief would result in the business not being able to open. There are sentimental ties to the building as her grandfather operated the store there years ago. She's hoping the establishment will bring to life a small town community feel and be a positive community impact.
- Michael McCauley of 834 Watson Rd. S. requested to see all public letters written regarding the application.
- Kelly Patzer stated that they would be posted with the agenda on the Township website.
- David Prior stated that no one was notified that the office use was leaving the property.
- Jessica Goyda stated that the office has just recently made arrangements to rent new space.
- Jessica Goyda indicated that due to negative feedback received regarding the proposed name of the restaurant that they are renaming the restaurant to "Union Market Square".

- Jeff Buisman indicated that the septic design required less staff to meet standards.
- Sally Prior stated that delivery trucks have been an issue on the property because they block sidewalks.
- Marny Mason stated that Council had previously noted that the development would not move forward if it did not meet all the by-laws yet the parking does not meet the by-law requirement.
- Kelly Patzer explained that a minor variance is an application that a property owner can make to vary the requirements of the by-law to bring a property into conformity with the by-law.
- Dave Hazelwood of 593 Arkell Road, asked what happens if the Slood office does not move out.
- John Sepulis stated that the office use is proposed within the minor variance.
- There were no further questions or comments from the public.
- Dennis O'Connor inquired if there are other septic designs that could be done to make more room on the property for parking.
- Jeff Buisman noted the septic design is already a small system.
- Karen Landry clarified that the septic permit had been issued meeting Ontario Building Code requirements.
- Ken Roth requested clarification if the office leaves would the parking requirement be reduced.
- Jeff Buisman noted the office use requires 4 parking spaces.
- Deep Basi asked if the property is wheelchair accessible and if there is a designated accessible parking space.
- Jeff Buisman stated that there will be an accessible parking space and the business will be accessible.
- John Sepulis asked if the parking could be extended to the west where there is a flat area.
- Jeff Buisman confirmed that the parking could not be extended because part of the septic system is in that area and it cannot be parked on top of.

Moved by Ken Roth and Seconded by Deep Basi

In the matter of Section 45 (1) of the Planning Act, as amended, and Comprehensive Zoning By-law 19/85 as amended, and an application for a minor variance requesting permission to allow:

Five (5) parking spaces for a mixed use building of a professional office, retail/variety store and restaurant, whereas Section 3.16(c), General Provisions, Parking Regulations, requires a total of ten (10) spaces for the mixed use building

The request is hereby Approved with the Following Conditions:

1. The minor variance to permit 5 parking spaces is conditional upon the applicant obtaining Site Plan Approval.

CARRIED

5. ADJOURNMENT

Moved by Dennis O'Connor and Seconded by Deep Basi

The Committee of Adjustment meeting adjourned at 8:34 p.m.

CARRIED