

**TOWNSHIP OF WELLESLEY**  
**Committee of Adjustment**  
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4639 LOBSINGER LINE  
RR# 1  
ST. CLEMENTS ON N0B 2M0

**Date: November 24, 2020**  
**Time: 5:00 pm**  
**Location: The meeting will be held electronically via zoom**  
Join Zoom Meeting  
<https://us02web.zoom.us/j/84959477454?pwd=OTdQMdV/LcHVldmNhTHd0dkVZYmRCZz09>

Meeting ID: 849 5947 7454  
Passcode: 474562  
Dial by your location 1 647 558 0588 Canada

1. **Call the meeting to order.**
2. **Disclosure of conflict of interest.**
3. **Application for Minor Variance for John M Bowman 4125 Lobsinger Line Submission A15/20; Part of Lot 6, Concession 8, East Section.**  
The owner of 4125 Lobsinger Line wishes to use an existing workshop to buy, sell and repair skid-steers for local farmers. The property is currently zoned Agricultural (A1-60) which permits the manufacturing of machinery and harness parts for agricultural uses. The applicant also wishes to keep a shipping container on the east side of the workshop to store skid-steers, whereas the zoning by-law does not permit shipping containers in an Agricultural zone. The applicant is therefore requesting the following minor variances:
  1. To permit the repair and sale of skid-steers in addition to the current permitted uses.
  2. To allow for a shipping container in an Agricultural zone.
4. **Application for Consent for Jeff Wilker Submission B8/20 1012 Wilker Way, Linwood**  
The applicant is requesting consent to sever 220m<sup>2</sup> from the rear yard of 1012 Wilker Way and add it to 1016 Wilker Way.
5. **Adoption of minutes as circulated.**  
*Recommendation:* That the minutes for the Committee of Adjustment Meeting held on October 28, 2020, be adopted as presented.
6. **Ongoing Applications:** none
7. **Unfinished Business:** none
8. **Next Meeting:** December 22, 2020
9. **Chair Adjourn the Meeting.**



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## **PLANNING & DEVELOPMENT**

File No. A15/20  
November 24, 2020

Committee of Adjustment

**Re: Township Comments – Minor Variance Application A15/20  
John M Bowman – 4125 Lobsinger Line  
Committee of Adjustment Hearing, November 24, 2020**

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### **SUMMARY:**

The owner of 4125 Lobsinger Line wishes to use an existing workshop to buy, sell and repair skid-steers for local farmers. The property is currently zoned Agricultural (A1-60) which permits the manufacturing of machinery and harness parts for agricultural uses, but not skid-steer repair. The applicant also wishes to keep a 40-foot shipping container on the east side of the workshop to store skid-steers, whereas the zoning by-law does not permit shipping containers in an Agricultural zone and imposes a maximum floor area of 225m<sup>2</sup> on the additional permitted use. As the facility currently occupies the permitted floor area, an accessory structure, such as a shipping container, is not permitted. The applicant is therefore requesting the following minor variances:

1. To permit the repair and sale of skid-steers in addition to the current permitted uses.
2. To allow for a shipping container in an Agricultural zone.
3. To increase the maximum floor area for the additional permitted use by 50m<sup>2</sup>, from 225m<sup>2</sup> to 275m<sup>2</sup>.

The applicant has repaired skid-steers for several years and has since learned that such a business is not permitted by the current zoning by-law. Based on the existing use, it is the applicant's opinion that there is a need for this service in the local community.

### **TEST OF GENERAL INTENT & PURPOSE OF THE OFFICIAL PLAN:**

The subject lands are within the Prime Agricultural designation on Map 10 of the Township Official Plan. Chapter 3 contains policies which regulate these areas. The primary land uses permitted in Prime Agricultural Areas, as outlined in Policy 3.1.3, are agricultural uses, agriculture-related uses, and secondary uses. Policy 3.2.3 of the Official Plan recognizes that there are existing lots in the prime agricultural area, such as the subject lands, that are undersized for agriculture. Secondary uses are permitted in Prime Agricultural areas as part of Policy 3.3, subject to provisions in the Zoning By-law that regulate the nature and scale of the operation. Secondary uses are generally site-appropriate dry industrial or on-farm business activities that supplement farm income. The subject

lands are 0.7 hectares in area and contain a farm house, barn, greenhouse, workshop and small pasture. Restrictions on specific uses and accessory structures, including shipping containers and floor area, are set out in the Zoning By-law.

It is the opinion of Township staff that the proposed skid-steer business, floor area expansion and shipping container are in keeping with the general intent and purpose of the Official Plan.

**TEST OF GENERAL INTENT & PURPOSE OF ZONING BY-LAW:**

The subject lands are zoned A1-60. In addition to the standard permitted uses in an Agricultural Zone, the additional provision permits the manufacturing of harness and agricultural machinery parts. The provision also restricts the floor area for this type of activity to 225m<sup>2</sup>. The intent of the Zoning By-law in this location is to allow the occupants to support themselves with a secondary use that is supportive of agriculture, given the otherwise limited availability of land for agricultural and agriculture-related uses. The applicant has indicated that there is a need in the local farming community for skid-steer repair. Additionally, repairing skid-steers requires many of the same tools and types of activities that are currently permitted, with the addition of the sale of machinery. The applicant is not requesting any additional floor space for this operation and intends to continue using the existing workshop. Staff recommend that a provision restricting the sale of new skid-steers be added to the minor variance to ensure that the operation remains focused on skid-steer repair and trade, rather than distribution.

Section 4.37 of the Zoning By-law’s general provisions prohibits the use of a shipping container as an accessory building or structure, except in Dry Industrial and Urban Industrial zones. This regulation is intended to prevent the substitution of shipping containers for standard accessory structures, such as sheds, where a properly-designed accessory structure would be more appropriate and aesthetically pleasing. Staff suggest that a workshop addition or a standalone unit would be more appropriate methods of achieving the applicant’s objective (indoor storage for skid-steers awaiting repair), while maintaining the intent of the Zoning By-law. In discussion with the applicant, it was established that if a shipping container is not permitted, they still wish to build an accessory structure. As the Zoning By-law accounts for all accessory structures and/or additions in total floor area, the applicant will also still require a minor variance for maximum floor area. For reference, a 40-foot shipping container has a floor area of 30m<sup>2</sup>, whereas the applicant is requesting 50m<sup>2</sup>, in the event that an alternative accessory structure is required.

Regulating the size of secondary uses in the Agricultural Zone is generally intended to ensure that farm properties are valued for their agricultural capacity and not their industrial or commercial additions. As this lot is undersized for agriculture (0.7 hectares), this first consideration is less relevant. A maximum floor area is also intended to prevent the over-development of a supporting land use. Staff are of the opinion that a 50m<sup>2</sup> floor area addition (equal to roughly 0.7% of the total lot area), for the purpose of storing skid-steers, is not a significant barrier to the residential or limited agricultural function of the property, and does not constitute an over-development of land. The applicant has indicated that a concrete pad already exists beside the workshop where the shipping container or accessory structure is to be located. The storage of skid-steers is also comparable to other farm-related storage, which is not included in the 225m<sup>2</sup> maximum.

Permitted Floor Area	Permitted Floor Area as a Percent of Lot Area	Requested Floor Area	Requested Floor Area as a Percent of Lot Area
225m <sup>2</sup>	3.2%	275m <sup>2</sup>	3.9%

As skid-steer storage and repair are not anticipated to have an additional impact on other properties and are beneficial to local farmers, staff are of the opinion that the proposed use and floor area expansion maintain the intent and purpose of the Zoning By-law. Staff are not of the opinion, however, that a shipping container maintains the intent and purpose of the Zoning By-law, when more appropriate alternatives exist.

**TEST OF MINOR AS TO PURPOSE & EFFECT:**

The proposed use is unlikely to have a substantial effect on surrounding properties. The applicant is currently permitted to manufacture harnesses and machinery parts, and skid-steers are not associated with any additional significant impacts to these products. The workshop is separated from the nearest residential unit (on another property) by a distance of 175m and is adjacent to a neighbour's barn. The storage of skid-steers is low-impact and can be compared to the use of a drive shed. The effect of permitting an additional 50m<sup>2</sup> of machinery storage on a farm property is relatively minor.

The committee may also wish to consider that the applicant has repaired skid-steers at this location for some time. Although it is not proof that no adverse effects exist, staff are not aware of any complaints regarding the illegal activity at this time. As staff recommend limiting the sale of skid-steers to used units, and the ability to repair skid-steers is limited by floor space (a proposed 275m<sup>2</sup>), staff do not anticipate that the commercial side of the operation will generate substantial traffic. In general, the minor variance will allow the applicant to legally continue their business in a workspace designated for a similar type of activity.

The proposed location of the shipping container is visible to all vehicles travelling west-bound on Lobsinger Line. Given that the intent of the Zoning By-law's prohibition on shipping containers is largely visual, staff are of the opinion that the effect of a shipping container in this instance cannot be considered minor.

Therefore, staff are of the opinion that the purpose and effect of the proposed use and floor area expansion, but not the shipping container, are minor.

**TEST OF APPROPRIATE USE OF LAND, BUILDING OR STRUCTURE:**

Secondary uses that support agriculture are generally encouraged in the Agricultural (A1) Zone and site-specific zoning currently permits a secondary use that is comparable in effect to the one being proposed. The proposed operation is in such a location so as to reasonably serve the local farming community and the location of the workshop on the property is also appropriate for its size and intended use. An accessory structure in which to store skid-steers is also generally an appropriate use of land. Staff are therefore of the opinion that the proposed minor variance is an appropriate use of land, building or structure.

**RECOMMENDATION**

Staff feel that a minor variance to permit skid-steer repair and sales at 4125 Lobsinger Line maintains the purpose and effect of the Official Plan and Zoning By-law, is minor in nature and is an appropriate use of land and therefore recommend its approval. For the same reasons, staff also recommend

approving an additional 50m<sup>2</sup> of floor space for that use, bringing the total maximum floor area to 275m<sup>2</sup>.

Staff do not recommend approving the minor variance to permit a shipping container to serve as an accessory structure at 4125 Lobsinger Line as it does not maintain the purpose and effect of the Zoning By-law and is not minor in nature.



Geoff VanderBaaren, MCIP, RPP  
Director of Planning  
Township of Wellesley

Attachments: Air Photo Map, Applicant's Site Sketch

Approved by: \_\_\_\_\_, CAO

Date:

Minor Variance A15-20  
4125 Lobsinger Line





## **PLANNING & DEVELOPMENT**

File No. B8/20  
November 24, 2020

Committee of Adjustment

**Re: Township Comments – Consent Applications B8/20  
Jeff Wilker – 1012 Wilker Way  
Committee of Adjustment Hearing, November 24, 2020**

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### **Summary:**

This consent application proposes a lot line adjustment between a residential and a vacant institutional property in Linwood, in order to straighten the shared property line between them and accommodate a septic system on the smaller lot.

The applicant is requesting consent to sever 220m<sup>2</sup> from the rear yard of 1012 Wilker Way and add it to 1016 Wilker Way, in order to upgrade the on-site wastewater management at the latter location. This consent application was submitted at the same time as a Zoning By-law application to have 1016 Wilker Way rezoned from Institutional (I-3) to Settlement Residential (SR), to allow for residential use of a vacant church.

Both properties are legal non-complying in multiple regards, including side-yard setbacks and lot frontages. If the severance is approved, 1016 Wilker Way will have an area of 816m<sup>2</sup> (8783 sq. ft.), and 1012 Wilker Way will have an area of 659m<sup>2</sup> (7093 sq. ft.). While the Zoning By-law requires a minimum lot area of 1,060m<sup>2</sup>, both lots are currently legal non-complying in this regard and cannot form two adequately-sized lots. There is no proposed change to the use of 1012 Wilker Way and it will therefore remain legal non-complying. Due to the change in use at 1016 Wilker Way, the non-complying aspects of the property will have to be recognized by a special provision in the zoning by-law amendment.

### **Official Plan:**

The subject lands are currently designated “Settlement Residential” on “Map 5.7 - Linwood Settlement Area” of the Official Plan. The purpose of the Settlement Residential designation is to “provide for current and future housing demands in Rural Settlement Areas through mixed forms of residential development”. The proposed severance is intended to increase the available area for a septic system within the rear yard of 1016 Wilker Way. As it stands,



wastewater from the property is stored in an on-site holding tank. On-site septic systems are an appropriate servicing option for Settlement Residential properties in the Linwood Settlement Area and are preferable to holding tanks. Due to the minor nature of this lot adjustment, and the desirability of the proposed site enhancements, the proposed consent and land transfer complies with the Official Plan.

**Zoning By-law:**

The subject lands are zoned Settlement Residential (SR) by Township Zoning By-law 28-2006. The abutting lands (1016 Wilker Way) are currently zoned Institutional (I-3) to permit a church with a basement dwelling. The church building is currently vacant. Consent application B8/20 was submitted at the same time as a Zoning By-law Amendment application (ZBA 05-20) to have the abutting lands rezoned Settlement Residential.

Both properties are legal non-complying in multiple regards. The regulations of the SR zone are compared to the approximate dimensions of each proposed property in the following table assuming that the severance has been approved.

<b>Provision</b>	<b>Required (SR)</b>	<b>1012 Wilker</b>	<b>1016 Wilker</b>
<b>Minimum Lot Area</b>	1060m <sup>2</sup> (11410ft <sup>2</sup> )	659 m <sup>2</sup> (7093 ft <sup>2</sup> )	816 m <sup>2</sup> (8783 ft <sup>2</sup> )
<b>Minimum Lot Frontage</b>	23.0m (75.5ft)	15.7m (51.4ft)	21.0m (69.0ft)
<b>Minimum Front Yard Depth</b>	6.0m (20ft)	0.0m (0.0ft)	0.0m (0.0ft)*
<b>Minimum Side Yard Width (S-W)</b>	1.7m (5.6ft)	0.0m (0.0ft)	0.0m (0.0ft)*
<b>Minimum Side Yard Width (N-E)</b>	1.7m (5.6ft)	7.6m (24.9ft)	8.6m (28.2ft)
<b>Minimum Rear Yard Depth</b>	7.5m (24.6ft)	25.9m (85.0ft)	5.75m (18.9ft)

\*To be confirmed by a property survey.

Section 4.27 of the Zoning By-law allows a consent application to alter the lot area and/or frontage of a legal non-complying lot, without affecting the legal non-complying status of that lot, provided that there has not been a change in use and that the lot area and/or frontage were legal non-complying at the time that the application was submitted. This is the case for 1012 Wilker Way which has a legal non-complying lot frontage and lot area. As its use will not have changed, 1012 Wilker Way does not require a zoning by-law amendment to maintain its legal non-complying status following approval of severance application B8-20.

Section 4.27 of the Zoning By-law does not apply, however, to 1016 Wilker Way because of the proposed change in use (from institutional to residential). Therefore, in order for the existing building and property dimensions to comply with the Zoning By-law, the non-complying aspects of the property must be recognized by a special provision in the zoning by-law. The exact dimensions of the legal non-complying westerly side-yard setback, front yard setback, rear yard setback, lot area, lot frontage and building height will be confirmed by a property



survey. The information from the survey will then be used in the preparation of the zoning by-law amendment. The survey is a requirement of Severance Application B8/20.

As the severance will not have a substantial effect on the zoning compliance of either property, and will only alter rear yard dimensions to accommodate private wastewater treatment, Township staff support the proposed severance.

**Other Considerations**

The location of the existing septic system on the lands at 1026 Wilker Way is unknown, but believed to be partially in the severed area. New septic systems will therefore be required for both properties as part of the severance process. A scoped hydrogeological report has been completed and submitted to the Township which finds that both of the proposed lots are able to accommodate a septic system.

In addition to increasing the available area for a septic system, the proposed severance will also simplify the lot lines between the two properties so that subject lands do not extend behind the rear yard of the abutting property. The proposed property boundaries are rectangular and more similar to one another. These simplified lots are generally desirable for their added clarity and privacy.

Finally, there is a small shed that is to be transferred along with the proposed severed lands. It is a small structure in an appropriate location on both the existing and proposed lot, and does not represent a significant barrier to the potential use of either rear yard.

**Other Department/Agency Comments:**

None.

**RECOMMENDATION:**

**That the Committee of Adjustment approve application B8/20 to sever approximately 220 square meters of the subject lands, to be added to the abutting lands at 1016 Wilker Way, subject to the following conditions:**

**Application B8-20**

1. **THAT** the Applicant pay all costs incurred by the Township in relation to the subject application, including but not necessarily limited to planning, administration, engineering and legal fees prior to the certification of the deeds, and further,
2. **THAT** the Applicant pay the Township any outstanding taxes, in full, for the Subject Property, prior to the certification of the deeds, and further,
3. **THAT** the applicant install a septic system on the retained lands at 1012 Wilker Way, subject to approval of the Township, and further,

4. **THAT** the Applicant arranges for a new survey of the subject lands to be completed by an Ontario Land Surveyor to be registered on title at the time of the certification of the deeds, and further,
5. **THAT** the lands to be severed be added to the abutting lands (1016 Wilker Way) and title be taken into identical ownership as the abutting lands. The deed or endorsement shall include that any subsequent conveyance of the parcel to be severed shall comply with Sections 50 (3) and/or (5) of the Planning Act R.S.O. 1990 c.P.13, as amended, and further,
6. **THAT** the owners solicitor shall provide a solicitors undertaking to register an application for consolidation of parcels immediately following the registration of the severance deed and to provide the registered application consolidation parcels to the Township within a reasonable time following registration.
7. **THAT** the lands at 1016 Wilker Way be rezoned to recognize the legal non-complying aspects of the property and to permit the proposed residential use.



Geoff VanderBaaren, RPP  
Director of Planning

Attachment: Air photo map

Approved by:		, CAO
Date:		

Consent B8-20  
1012 Wilker Way



Committee members present: Shelley Wagner –Chair  
Peter van der Maas –Vice Chair  
Lorne Haufe  
Paul Hergott  
Ryan Martin

Staff present: Geoff VanderBaaren, Planner  
Kaitlyn Werth, Secretary Treasurer

- 1) Meeting called to order at 5:01pm by Shelly Wagner, Chair.
- 2) Declaration of Pecuniary Interest (if any) in accordance with the Municipal Conflict of Interest Act.

- Minor Variance Application A12/20, Enoch Bauman – 4144 Boomer Line.**  
3) Moved by: Ryan Martin Seconded by: Paul Hergott  
That the application by Enoch Bauman, requesting permission to allow the residence to increase the maximum allowable lot coverage for non-residential buildings from 12.3% to 13.1%, to allow for a replacement buggy shed and horse barn be approved.

*Carried*

Chair Shelley Wagner asked does the applicant want to explain their application?  
Enoch Bauman had nothing more to explain.

Chair Shelley Wagner asked are any persons in opposition of the application?  
No one came forward.

Chair Shelley Wagner asked are any persons in support of the application other than the applicant? If so, would they please give their name, address and postal code to the Secretary Treasurer.  
No one came forward

Chair Shelley Wagner asked does the Planner have any comments to add about the application?

Geoff VanderBaaren, Planner explained it was an oversight, we should have caught this on the previous minor variance application.

- Minor Variance Application A13/20, 2185942 Ontario Inc – 1019 & 1023 Industrial Crescent.**  
4) Moved by: Paul Hergott Seconded by: Peter van der Maas  
That the application by 2185942 Ontario Ltd., requesting permission to locate all 26 parking spaces in the front yard, whereas the Zoning By-law requires that no more than 10 parking spaces be located in the front yard and additional parking be located in the side and rear yards

be approved.

*Carried*

Chair Shelley Wagner asked does the applicant want to explain their application?  
Zach Schiedel, Schiedel Construction, had nothing to add.

Chair Shelley Wagner asked are any persons in opposition of the application?  
No one came forward.

Chair Shelley Wagner asked are any persons in support of the application other than the applicant? If so, would they please give their name, address and postal code to the Secretary Treasurer.  
No one came forward.

Chair Shelley Wagner asked does the Planner have any comments to add about the application.  
Geoff VanderBaaren, Planner had no comments to add.

Peter van der Maas asked if there is enough room for emergency vehicles to get to the back of the building?  
Geoff VanderBaaren, Planner said he consulted the Fire Chief and he didn't have any concerns and the trucks don't need to get to the back of the building.

- Minor Variance Application A14/20, Keith & Sheryl Kuepfer– 120 Village Road.**  
5) Moved by: Lorne Haufe   Seconded by: Ryan Martin  
That the application by Keith & Sheryl Kuepfer, to decrease the exterior side yard setback from six metres to one metre to allow for the garden shed at the southern edge of their property, set back one (1) metre from the exterior lot line whereas the zoning by-law requires that on any corner lot, accessory uses be located no closer than six (6) metres from the exterior lot line.  
be denied.

*Carried*

Chair Shelley Wagner asked does the applicant want to explain their application?  
Keith Kuepfer, explained they want to maximize the backyard area.

Chair Shelley Wagner asked are any persons in opposition of the application?  
No one came forward.

Chair Shelley Wagner asked are any persons in support of the application other than the applicant? If so, would they please give their name, address and postal code to the Secretary Treasurer.  
No one came forward.

Chair Shelley Wagner asked does the Planner have any comments to add about the application.

Geoff VanderBaaren, Planner explained that the committee can approve something other than 1m but Staff is recommending that we stay with the 6m exterior side yard setback.

Lorne Haufe said he drove by the property and asked if they are putting up a fence?  
Keith Kuepfer explained it could be something they do in the future.

Lorne Haufe asked how far a fence has to be off the property line.  
Geoff VanderBaaren, Planner explained it can be right on the property line but they can't build in the sight triangle. If a fence is built the shed would still need to be 6m from the exterior lot line.

Ryan Martin stated that a shed should not be any closer than what a fence could go to a property line.

Peter van der Maas agreed and has the same thoughts as previously heard from the committee. If there is a fence built then the shed would be out of sight but it would be inconsistent with the neighbouring properties.

Keith Kuepfer stated there is a lot of room on that side of the property. The property isn't located at an intersection but a turn in Village Road.

Shelly Wagner calls for a vote and 4-1 in favour of denying the application.

In Favour: Not In Favour:

Shelley Wagner Lorne Haufe

Paul Hergott

Ryan Martin

Peter van de Maas

The committee had some additional discussion about this application to see if there was support for an alternative setback but no further motion was proposed.

Ryan Martin said he wants to make sure it isn't in the sight triangle

Peter van der Maas, agrees with Ryan because it is hard to know whether 3m or 4m etc is ok.

Geoff VanderBaaren, Planner stated anything in the rear yard is outside the sight triangle. The committee could attach a condition about a fence being built in the motion.

Paul Hergott stated to leave it how the by-law reads at 6m.

**Consent Application B8/19, B9/19, B10/19 and B11/19, Ed and Susan Taves – 2679 Herrgott Road**

6) Moved by: Ryan Martin

Seconded by: Paul Hergott

That the consent approval B8/19, B9/19, B10/19 & B11/19, to create 4 new lots at the end of Louis Street **BE AMENDED** by adding the following additional condition:

1. **That** prior to final approval the applicant submit an updated existing conditions plan demonstrating that the eastern parcel to be severed under application B11-19 has been graded to the satisfaction of the GRCA and in accordance with an approved GRCA permit.  
And,
2. **That** the committee of adjustment considers the change to the conditions to be minor and no further public consultation is required.

*Carried*

Chair Shelley Wagner asked does the applicant want to explain their application?  
Geoff VanderBaaren, Planner explained it was an oversight on our part and it was in the original request from the Grand River Conservation Authority. The GRCA would like it added to the conditions.

Chair Shelley Wagner asked are any persons in opposition of the application?  
No one came forward.

Chair Shelley Wagner asked are any persons in support of the application other than the applicant? If so, would they please give their name, address and postal code to the Secretary Treasurer.  
No one came forward.

Chair Shelley Wagner asked does the Planner have any comments to add about the application.  
Geoff VanderBaaren, Planner had no comments to add.

**Adoption of previous meeting minutes**

- 7) Moved by: Peter van der Maas                      Seconded by: Lorne Haufe  
The minutes for the Committee of Adjustment Meeting held on September 29, 2020 were adopted as presented.

*Carried*

- 8) **Ongoing Applications:** There is a new application so there will be a Nov 24 meeting.

- 9) **Unfinished Business:** None

- 10) **Next meeting:** November 24, 2020 @ 5pm.

- 11) **Meeting was adjourned.**  
Moved by: Peter van der Maas                      Seconded by: Paul Hergott  
That the meeting is adjourned.

*Carried*