

**TOWNSHIP OF NORTH DUNDAS  
PUBLIC MEETING TO CONSIDER TWO ZONING AMENDMENTS  
March 8, 2016  
7:00 pm**

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A Public Meeting of Council, under Section 34 of the *Planning Act, R.S.O. 1990*, as amended was held to consider two proposed zoning amendments; one to the former Village of Chesterville Zoning By-law No. 04-95 and one to the former Village of Winchester Zoning By-law No. 25-95.

**Roll Call:**

Eric Duncan  
Gerry Boyce  
Allan Armstrong  
Tony Fraser  
John Thompson

Present  
Present  
Present  
Present  
Present

Township of North Dundas Staff present included CAO, Angela Rutley; Township Planner, Calvin Pol and Clerk, Jo-Anne McCaslin who recorded the minutes.

Applicants Chris Sommerville and Mohammed El-Khatib were in attendance for the public meeting.

Chairperson, Duncan called for a motion to open the public meeting.

**Moved by Gerry Boyce and seconded by Tony Fraser that the Public Meeting of Council to consider two Zoning By-law Amendments; one to the former Village of Chesterville Zoning By-law No. Township of Mountain Zoning By-law No. 04-95 and one to the former Village of Winchester Zoning By-law 25-96 be called to order at 7:00 pm.  
CARRIED.**

The Chairperson confirmed that in accordance with Section 34 of the Planning Act and Ontario Regulation 545/06, a Public Notice was mailed out, faxed and a sign posted on February 16<sup>th</sup> for Chris Sommerville's application, after rescheduling the February 16<sup>th</sup> Public Meeting due to inclement weather. A Public Notice was mailed out, faxed and a sign posted on February 12<sup>th</sup> for Mohammed El-Khatib's application.

The Chairperson declared the meeting properly constituted as per the requirements of the *Planning Act* and called the meeting to order. Attendance sheets were circulated.

Two detailed planning reports and draft by-laws prepared by Township Planner, Calvin Pol were previously circulated to Council. The Chairperson then turned the meeting over to Mr. Pol who then made a power point presentation outlining the Chris Sommerville proposed amendment.

It was pointed out by the Planner that if a person or public body does not make oral submissions at this public meeting or make written submissions to North Dundas Township before the by-law is passed, the person or public body may not be entitled to appeal the decision of the Council of North Dundas to the Ontario Municipal Board.

Planner, Calvin Pol explained the **Chris Sommerville Amendment**:

The Township of North Dundas received a site specific application to amend the former Village of Chesterville Zoning By-law No. 04-95, as amended, to rezone lands from General Commercial – Exception Five (CG-x5) to General Commercial – Exception Nine (CG-X9).

The area affected by this by-law, known as 13 Chesterville Queen Street, is described as Part of Lots 105, 106, and 107 on Plan 35 Block A, Parts 2, 3, 5, and 6 on Reference Plan 8R-1867, former Village of Chesterville, now the Township of North Dundas, County of Dundas.

The purpose of the amendment is to rezone the subject property to allow three (3) residential units, instead of two (2), and to allow for a reduction in the minimum floor area required for the proposed new residential unit.

The property/land to which the proposed Zoning By-law amendment applies is not the subject of any other application under the Planning Act at this time. However, the development is subject to Site Plan Control under By-law No. 65-98.

No comments or objections have been received to date under Section 34(15) of the Planning Act from Ministries and Public Bodies.

A neighbour expressed concerns over the loss of privacy with an addition dwelling unit in his side yard (verbal) and parking.

The Chairperson asked the Applicant and Members of Council if they had any questions or concerns and then opened the Public Meeting to questions and comments from the public.

There were no comments from Applicant, Chris Sommerville and no questions or comments from Members of Council.

Edgar Lefebvre, 17 Chesterville Queen St. stated he does not feel there is room on the property for another tenant and has experienced previous problems with Mr. Sommerville since the conversion of the laundry mat to residential. Other problems noted were dogs running on his property, flooding in his garage, insufficient space for parking and privacy issues.

Planner Pol advised these concerns will be reviewed and addressed under site plan control.

Chris Sommerville, 13 Chesterville Queen St. advised the flooding occurred on Mr. Lefebvre's property before he (Chris) owned it (he has pictures to prove). He stated there is parking for 6 cars and that dogs running on Mr. Lefebvre's property do not belong to his tenants.

Chairperson Duncan thanked those present and stated the by-law would be considered during the regular meeting of Council.

Mr. Pol then explained the **Mohammed El-Khatib Amendment**

The Township of North Dundas received a site specific application to amend the former Village of Winchester Zoning By-law No. 25-96, as amended, to rezone lands from General Commercial (C1) to Residential Type 4 – Exception Nine (R4-9).

The lands affected by this rezoning are legally described as Part of Lots 48 and 49, Plan 34, and Part 1 of Plan 8R-3611, former Village of Winchester, now the Township of North Dundas, County of Dundas, known as 505 Winchester Church Street.

The purpose of the amendment is to rezone the subject property to permit six (6) residential units, the exception zone will allow one undersized residential unit and increase the maximum density.

The property/land to which the proposed Zoning By-law amendment applies is not the subject of any other application under the Planning Act at this time. However, the development is subject to Site Plan Control under By-law 65-98.

The Zoning By-law requires a minimum of 8 parking spaces for a six (6) unit apartment. The site plan submitted with the zoning amendment application shows 8 parking spaces; however, no dimensions are shown. On February 26, 2016, using the legal survey and on-site measurements, it was determined that the parking area does meet with the minimum standards contained in the Zoning By-law.

Secondly, while conducting a review of the draft site plan and looking at aerial photography, it was determined that the neighbouring property (501 Winchester Church Street) uses the parking lot from 505 Winchester Church Street to access their parking spaces in the rear yard. A property record search revealed that there is a registered easement (right-of-way) enabling the owners of 501 Winchester Church Street to use the parking lot to access their rear yard parking by motor vehicle or by foot.

The proposal from the apartment applicant was to use this rear area for parking spaces for his tenants (part of the 8 spaces). Under the owner's legal obligations, he cannot block access to the rear yard of 501 Winchester Church Street. At least two proposed parking spaces must be removed, therefore he will not have the required 8 parking spaces for the 6 apartment units. Also, a portion of the existing parking area must be converted to green space for the use of the tenants (private amenity area for the tenants – could also serve as a snow storage area in the winter month).

Opposition to the rezoning has been received from the North Dundas Chamber of Commerce. They have expressed concern that the conversion would pave the way for more conversions in the future, also that parking would be an issue with this site.

No other comments or objections under Section 34 (15) of the Planning Act have been received to date. One verbal inquiry was received by the Clerk.

Based on these new findings since the public notice was mailed out, it is recommended that Council postpone any decision regarding the subject property, until the parking issues and site plan issues are resolved. The draft by-law will need to be amended to reflect any changes made or to recognize existing or new deficiencies. If Council were to pass the draft by-law in its current format, minor variances would be required to address any deficiencies.

The Chairperson asked the Applicant and Members of Council if they had any questions or concerns and then opened the Public Meeting to questions and comments from the public.

There were no questions from the Applicant.

Councillor Armstrong stated he has a concern about losing commercial space in the downtown core and asked if there was any way the Applicant could keep a mix of commercial and residential on the property.

Deputy Mayor Boyce asked if 8 parking spaces are required.

Planner Pol replied 6 units require 8 parking spaces.

Chairperson Duncan asked if landscaping is required.

Planner Pol replied yes.

Chairperson Duncan asked if the Applicant has the option to use the municipal parking lot adjacent to the property.

Planner Pol replied yes. Cash-in-lieu of parking can be considered.

Councillor Fraser asked for a clarification of the Provincial Policy Statement (PPS) policy direction regarding residential intensification.

Planner Pol noted the PPS don't speak to specifically commercial; they are set up for large cities like Toronto to encourage residential intensification.

Councillor Armstrong commented the PPS are more allowing than advocating. He also noted it is difficult to enforce parking. (Municipal parking lot)

Planner Pol agreed stating overnight snow removal is difficult in municipal parking lots with parked cars.

Councillor Thompson commented he does not want to see the entire building zoning residential.

Deputy Mayor Boyce agreed.

Chairperson Duncan asked Planner Pol to work with the applicant to resolve expressed issues.

Questions from the Public:

Gregory Van Dellen, 501 Winchester Church St., would like to see the commercial space remain. Feels the conversion to residential would cause increased parking problems on Church Street.

Ed Puddephatt, 514 Winchester Church St., spoke on behalf of the North Dundas Chamber of Commerce stating the membership does not support the conversion of commercial space to residential space (letter from Chamber of Commerce on file). With regard to parking concerns, Mr. Puddephatt noted apartment dwellers in the area are parking their vehicles in the municipal parking lot, thereby taking spaces away from businesses.

Mr. Cullen spoke on behalf of Alexander Hodgins and Patrick Jeaurond of 507 Winchester Church St., stated the integrity of his property is a concern and that the driveway needs to be accessible. Safety concerns noted due to in adequate space between properties.

Planner Pol stated safety between buildings, fire routes need to be considered.

Greg McIntosh, 502 Winchester Victoria St. commented he has concerns about excessive noise that comes from residential intensification.

Planner Pol advised the recently passed Nuisance By-law addresses noise.

Chairperson Duncan noted it is hard to get a conviction for noise.

Mohammad El-Khatib, 2312 Blackstone Cres, Ottawa, (Applicant) stated he has owned the building for 3 years. It has been very difficult to attract commercial tenants. He concluded there are residential dwellings on both sides of his property and across the street.

Chairperson Duncan thanked those who spoke and stated the recommendation to defer decision on this matter would be considered during the regular meeting of Council.

**Moved by Gerry Boyce and seconded by Tony Fraser that the Public Meeting of Council to consider two Zoning By-law Amendments adjourn at 7:44 pm.  
CARRIED.**



Eric Duncan, CHAIRPERSON



Jo-Anne McCaslin, CLERK