

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-11-19
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MARCH 26, 2019**

Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Mr. Ben de Haan & Mr. Raymond Contant were present. Mr. Karl Doyle, Senior Planner and Christina Seguin, Secretary Treasurer attended the meeting.

The hearing was being held to consider an application by BASF Canada Inc. (A/P.H. Robinson Consulting) (501 Wallrich Avenue) who is: **Asking for relief from the Zoning By-law for a south limit setback of 82.02 feet when the By-law requires a setback of 150 feet. This request is to facilitate an addition to BASF at 501 Wallrich Avenue.**

THAT the Agenda be approved. **Approved by: Mr. Ray Contant Seconded by: Mr. Ben de Haan**

There were no conflicts of interest.

Motion Carried

Mr. P.H. Robinson attended the meeting on behalf of BASF Canada Inc.

Department Comments are read by Secretary/Treasurer, Christina Seguin.

DEPARTMENT COMMENTS:

Engineering Division

Grading/drainage plan required.

Economic Development

No objections.

Traffic Division

No objections.

Municipal Works Division

No objections.

Building & Permits Division

Obtain a building permit prior to construction.

Zoning Section

No objections.

Planning Division

Planning has reviewed the details of the application, inspected the site and is supportive.

The manufacturing facility (BASF) is located in a Manufacturing 20 (MFR 20) zone and is designated Employment Area (EA).

The longstanding manufacturing facility lands are located along Wallrich Avenue and abuts residential land uses to the south. The facility was constructed in 1953 and BASF has been in operation since the 1970's. The development has obtained 3 previous minor variance approvals being;

- 1 - A-91-96 (reduced south side yard setback)
- 2- A-23-13 (Fence By-law)
- 3- A-12-17 (Fence By-law) (MOECC - South Limit Acoustic Barrier)

The most recent Committee approval was in 2017 for the introduction of an 18 foot Acoustic Barrier along the south common property line. The barrier was required to be installed as a result of an Environmental Compliance Approval (ECA). The purpose of introducing the sound barrier was to mitigate the visual aspect and the facilities operational noise nuisances directly impacting the residential land uses to the south.

This application is requesting a reduced side yard setback of 82.02 ft when the Zoning By-law requires a minimum setback of 150 ft. The reduced side yard setback is required to accommodate a proposed 942 sq ft addition consisting of two internalized rooms. The addition will house a new thermal fluid heater and associated electrical equipment. There will also be a 50'9" +/- venting stack located east of the addition. BASF wishes to introduce the new addition and systems to increase operational efficiencies.

In 1996 a Committee approval was obtained for a side yard setback of approximately 100' to accommodate the introduction of a reactor building addition to the "Plant No. 3" building (legal non-conforming-refer to the attached 1996 attachment)

As a result of this proposal, BASF will be required to perform minor site works such as; fence relocation, access and aisle modifications as demonstrated on the site plan. The proposal will not be subject to site plan approval and the owner will be required to obtain a building permit

for the addition and fence. As part of the permit application, the proponent will be required to submit a grading and drainage plan that will have to be approved by the Engineering Division.

It is to be noted that the Ministry of the Environment and Climate Change (MOECC) was circulated on the application and we have not received any commentary regarding the proposed. We can confirm that the Ministry has recently visited the site and BASF's Engineering manager is aware that an ECA amendment for the facility will be required prior to implementation.

14.8.2 In considering applications for Minor Variances, the Committee shall consider:

b) whether the intent and purpose of the Official Plan and Zoning By-law can still be met if the variance is granted

d) that alternative designs of the building in conformity with the By-law are clearly not possible or feasible;

f) comments from adjacent owners and residents

g) that in approving the minor variance no dangerous precedent would be created;

h) comments from City Departments.

DISCUSSION:

Mr. Paul Robertson attended the meeting representing BASF. He illustrated to the Committee where the existing building was and where the proposed addition was being built. He went on to say that a number of years ago BASF came to Committee for a setback variance of 150' to 100' for a noise wall of 18' that was built.

The agent said that the only changes since he submitted the application were to shift the addition to avoid some existing infrastructure and to relocate the driveway. He told the Committee that the existing trees will remain and that there will be a requirement for MOE approvals for prior construction. He made the Committee aware that the addition is about 940 sq ft on the south side of the building and there will be no change after it is built.

Mr. Stephen Alexander asked for clarification purposes if the new site plan showing the addition has moved slightly to the east. The agent told the panel that it will be moved slightly east away from Wallrich Avenue (2.43 metres vs. 1.8 metres).

Mr. Ben de Haan asked about the traffic circulation on the site and if this application will change how traffic will operate. Mr. Robinson said "no". The Chairman asked Mr. Robinson if he had any questions about the comments that were read. Mr. Robinson said that he wanted to clarify the height of the stack. Mr. Raymond Contant said that he thought that there was a height restriction. The Senior Planner took a look at the drawings that Mr. Robinson had and apologized about the error in height. Mr. Doyle asked what it was at grade. The agent said 50' 9" at grade.

Mr. Stephen Alexander was concerned about the row of trees which help buffer along the south of the property. Mr. Robinson told the Committee that they would not be removed. He also went on to say that he knew there was going to be changes with the grade and if there was to be any removal of trees there will be more planting done. The Chairman asked the agent if there would be any noise outside the building. Mr. Robinson said "no".

The plant manager from Latimar attended the meeting with no objections. He said that his main question was the height of the stack.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:20 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

Item 1 – 2019 A-11-19 Debate and Decision regarding: Addition to BASF

(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

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1. Asking for relief from the Zoning By-law for a south limit setback of 82.02 feet when the By-law requires a setback of 150 feet. This request is to facilitate an addition to BASF at 501 Wallrich Avenue.
 2. The variances are DESIRABLE for the appropriate development or use of the land, building and structures.
 3. The variances MAINTAIN the general intent and purpose of the Official Plan and Zoning By-law.
 4. There were no objections.

MOVED BY: Mr. Ben de Haan

SECONDED BY: Mr. Raymond Contant

Motion Approved

RISE AND REPORT

Item 1 – A-11-19

Motion to allow a Minor Variance for (Addition to BASF) at 501 Wallrich Avenue.

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING B-08-19
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MAY 7, 2019**

Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Mr. Ben de Haan & Mr. Raymond Contant were present. Mr. Karl Doyle, Senior Planner and Christina Seguin, Secretary Treasurer attended the meeting.

The hearing was being held to consider an application by 5005291 Ontario Ltd. (A/Terence Landon) (405 Tollgate Road East) who are asking for: **Consent to convey a parcel of land as two separate parcels in order to create a new lot for the construction of a future long term care facility at 405 Tollgate Road East.**

THAT the Agenda be approved.

There were no conflicts of interest.

Motion Carried

? attend the meeting.

Department Comments are read by Secretary/Treasurer, Christina Seguin.

DEPARTMENT COMMENTS:

Engineering Division

See file A-12-19.

Economic Development

No objections.

Traffic Division

Municipal Works Division

No objections.

Buildings and Permits Division

No objections.

Zoning Section

MTO

See attachment.

Planning Division

DISCUSSION

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:20 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

Item 1 – B-08-19 Debate and Decision regarding: Creation of a new lot

(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be for the following reasons:

1. **Consent to convey a parcel of land as two separate parcels in order to create a new lot for the construction of a future long term care facility at 405 Tollgate Road East.**
2. **The lots are serviced.**
3. **The land is suitable for the purpose for which it is to be subdivided.**
4. **There were no objections.**

MOVED BY:
SECONDED BY:

Motion Approved

RISE AND REPORT

Item 1 – B-08-19

Motion to allow Consent for **(Creation of a new lot)**.

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-12-19
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 5:00 P.M., ON TUESDAY, MAY 7, 2019**

Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Mr. Raymond Contant & Mr. Ben de Haan were present. Mr. Karl Doyle, Senior Planner and Christina Seguin, Secretary Treasurer attended the meeting.

The hearing was being held to consider an application by 5005291 Ontario Ltd. (A/Terence Landon) (405 Tollgate Road East) who are: **Asking for relief from the Zoning By-law to allow an expansion to the legal non-conforming status of the former School Board Office/Storage/Warehousing building to include a minor internalized fleet servicing for Cornwall Concrete Products and to recognise a 66' frontage for the property located at 405 Tollgate Road East.**

THAT the Agenda be approved.

There were no conflicts of interest.

Motion Carried

attended the meeting.

Department Comments are read by Secretary/Treasurer, Christina Seguin.

DEPARTMENT COMMENTS:

Engineering Division

Sanitary and water services for severed portion cross retained portion. Storm outlet for retained portion crosses severed portion. Detailed existing and proposed servicing will be required and easements or service relocation will be required to ensure each of these parcels can be decoupled.

Economic Development

No objections.

Traffic Division

Municipal Works Division

No objections.

Building & Permits Division

More information is required on the “fleet servicing” in order to determine if it constitutes a “change of use” under the Ontario Building Code.

Zoning Section

Planning Division

DISCUSSION:

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:30 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

239 (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

Item 2 – 2019 A-12-19 Debate and Decision regarding: Warehousing, storage and servicing of vehicles

(g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be for the following reasons:

1. **Asking for relief from the Zoning By-law to allow an expansion to the legal non-conforming status of the former School Board Office/Storage/Warehousing building**

to include a minor internalized fleet servicing for Cornwall Concrete Products and to recognise a 66' frontage for the property located at 405 Tollgate Road East.

2. The variances are DESIRABLE for the appropriate development or use of the land, building and structures.
3. The variances MAINTAIN the general intent and purpose of the Official Plan and Zoning By-law.
4. There were no objections.

MOVED BY:

SECONDED BY:

Motion Approved

RISE AND REPORT

Item 2 – A-12-19

Motion to allow a Minor Variance for **(Warehousing, storage and servicing of vehicles) at 405 Tollgate Road East**

Christina Seguin, Secretary/Treasurer
Committee of Adjustment-City of Cornwall