



Township of Wellington North

P.O. Box 125 • 7490 Sideroad 7 W • Kenilworth • ON • N0G 2E0

COMMITTEE OF ADJUSTMENT

Monday, September 13th, 2010 – 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

Page 1 of 2

AGENDA ITEM	PAGE NO.
<p><u>Chairman</u></p> <ol style="list-style-type: none">1. Officially open the public meeting.2. Declaration of Pecuniary Interest and General Nature Thereof.3. Minutes, A6/10 and A7/10	01
<p><u>APPLICATION A5/10</u></p>	
<p>Applicant: Wayne Edward O'Neill and Darlene Alice Craig</p> <p>THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 35 & 36, Clarke's Survey, with a civic address of 229 Tucker Street. The property is occupied by one half of a semi-detached dwelling. The location of the property is shown on the map attached.</p> <p>THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required lot frontage and interior side yard setback. The subject lands received provisional approval in May 2010 to sever the parcel in half creating a vacant residential parcel. This application is required as a condition of this consent application B69/10.</p> <ol style="list-style-type: none">5. Secretary Treasurer – notice mailed to those requesting notice in writing on September 1st, 2010.	07
<ol style="list-style-type: none">6. Township Planner – Linda Redmond will review the County comments.	08

AGENDA ITEM	PAGE NO.
<p>7. Correspondence/Comments received:</p> <ul style="list-style-type: none"> - Liz Yerex, Resource Planner, GRCA <ul style="list-style-type: none"> - No objection - Ethel McEwen, 221 Tucker Street, Arthur <ul style="list-style-type: none"> - Objection <ul style="list-style-type: none"> - Correspondence dated: <ul style="list-style-type: none"> - June 28, 2010 - July 9, 2010 	<p>10</p> <p>11</p> <p>13</p>
<p>8. Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p>Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p>Those wishing to be notified of decision please leave name and address with secretary-treasurer.</p> <p>Committee:</p> <ul style="list-style-type: none"> - Comments and questions 	
<p>9. Adjournment.</p>	

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A6/10 and A7/10

The Committee of Adjustment met on Monday, August 9, 2010 at the Kenilworth Municipal Office, at 7:30 p.m.

Members Present: Chairman: Mike Broomhead
Ross Chaulk
Bob Mason
John Matusinec
Dan Yake

Also Present: Alt. Secretary-Treasurer, Lorraine Heinbuch
Executive Asst., Cathy Conrad
Township Planner, Linda Redmond

1. The Chairman called the meeting to order.

2. **Disclosure of Pecuniary Interest and General Nature Thereof**

None Reported

3. Minutes

Moved by: Councillor Matusinec

Seconded by: Councillor Yake

THAT the Committee of Adjustment meeting minutes of June 28, 2010 – A5/10 be adopted as presented.

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Applications A6/10 and A7/10 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A6/10 and A7/10

Page Two

APPLICATION A6/10

Applicant: James Hamilton and Bonnie Hamilton

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 10, Township of Wellington North with a civic address of 130 Elgin St N, Mount Forest. The property is occupied by a single detached dwelling and detached garage.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from section 6.1.2 b) and 6.1.3 of the Wellington North Zoning By-law regulating building height and minimum setbacks for accessory structures. The applicant is proposing to replace the existing detached garage on the subject lands with a new 18 ft x 24 ft detached garage. Relief is required to increase the maximum height permitted for the garage and to decrease the minimum rear and side yard setbacks. The property is located in a Mixed Use (MU1) zone.

4. The Alt. Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on July 26, 2010 as well as posted on the property.
5. Application for Minor Variance
6. Township Planner – Linda Redmond reviewed the County comments dated July 21, 2010 provided by Charlie Toman, Planner.

The Planner had no concerns with this application. The new garage is bigger but won't be any closer than the existing garage to the side or rear lot lines. The relief requested is minor in nature. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law and is desirable and appropriate for the development of the subject property.

The subject lands are zoned Mixed Use (MU1). The proposal exceeds the general provisions stipulated in sections 6.1.2 b) and 6.1.3 of the by-law regulating building height and minimum setbacks for accessory structures. Relief is requested for:

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A6/10 and A7/10

Page Three

- 1) Increase the maximum height permitted for the garage from 4.5m (14.8 ft.) to 5.05m (16.6ft.)
- 2) Decrease the minimum rear and side yard setbacks from 1m (3.3 ft) to 0.3m (1 ft)

7. Correspondence/Comments received:

Saugeen Conservation Authority
- no objections

8. Questions/Comments

Persons present who wish to make oral and/or written submissions in support of the proposed minor variance?

The applicants were present to answer questions regarding the application.

Mr. Hamilton explained that the new garage will be built on the same footprint as the current garage; but will be a little higher. The current garage is not in good shape.

Persons present who wish to make oral and/or written submissions against this application? – none

Those wishing to be notified of the decision were asked leave their name and address with the secretary-treasurer.

Committee – Comments and Questions – none.

Moved by: Councillor Mason
Seconded by: Councillor Chaulk

That the minor variance applied for in Application A6/10 be authorized.

Resolution No. 2

Carried

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A6/10 and A7/10

Page Four

APPLICATION A7/10

Applicant: Ross Ferguson and Gladys Ferguson

THE LOCATION OF THE SUBJECT PROPERTY is described as North Part Lot 14, Concession 9, Former Township of Arthur with a civic address of 9110 Concession 9. The 40 ha (99 ac) farm parcel is occupied by a single detached dwelling and outbuildings.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from section 8.2.4 d) of the Wellington North Zoning By-law regulating interior side yard setbacks for accessory agricultural buildings. The applicant is proposing to build a new pit silo and hay shed. Relief is requested to decrease the minimum interior side setback from 18.3 m (60 ft) to 6 m (20 ft). The property is located in an Agricultural (A) zone.

9. The Alt. Secretary-Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on July 26, 2010 as well as posted on the subject property.

10. Linda Redmond, Township Planner, County of Wellington

Ms. Redmond reviewed the County comments dated July 21, 2010 provided by Charlie Toman, Planner.

The subject property is designated Prime Agricultural in the County of Wellington Official Plan. Section 6.4.2 – Agriculture First of the Official Plan states *“In Prime Agricultural Areas, agricultural uses and normal farm practices will be promoted and protected. As a general rule, land use activities which support agriculture will be encouraged and land use activities which do not support agriculture will be discouraged.”* Allowing the proposed buildings to be located within the setback would not necessitate the need to take additional Prime Agricultural Lands that are being actively farmed out of production.

The subject lands are zoned Agriculture (A). The proposal exceeds the minimum interior side yard setback stipulated for accessory agricultural buildings in Section 8.2.4 d) in the Wellington North Zoning By-law. Relief is requested to reduce the minimum interior side yard setback from 18.2m (60 ft) to 6m (20 ft), a reduction of 12.2m (40 ft).

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A6/10 and A7/10

Page Five

The Planner had no concerns with this application. The existing farm buildings and dwelling are located along the southern lot line with the lands to the north being actively farmed. The property is within a Prime Agricultural Area and allowing the proposed buildings to be located within the setback would not require the applicant to take additional agricultural lands out of production in order to create a suitable building envelop. The farm operation to the south of the subject property is located well away from the proposed buildings. The relief requested is minor in nature. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property.

11. Correspondence/Comments received:

None

12. Questions/Comments

Persons present who wish to make oral and/or written submissions in support of the proposed minor variance?

The applicant's agent, Paul Weber, was present to answer any questions or address comments.

Persons present who wish to make oral and/or written submissions against this application? – none

Those wishing to be notified of the decision were asked leave their name and address with the secretary-treasurer.

Committee – Comments and Questions – none

Moved by: Councillor Matusinec

Seconded by: Councillor Yake

That the minor variance applied for in Application A7/10 be authorized.

Resolution No. 3

Carried

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A6/10 and A7/10

/6

Page Six

13. Adjournment

Moved by: Councillor Yake
Seconded by: Councillor Matusinec

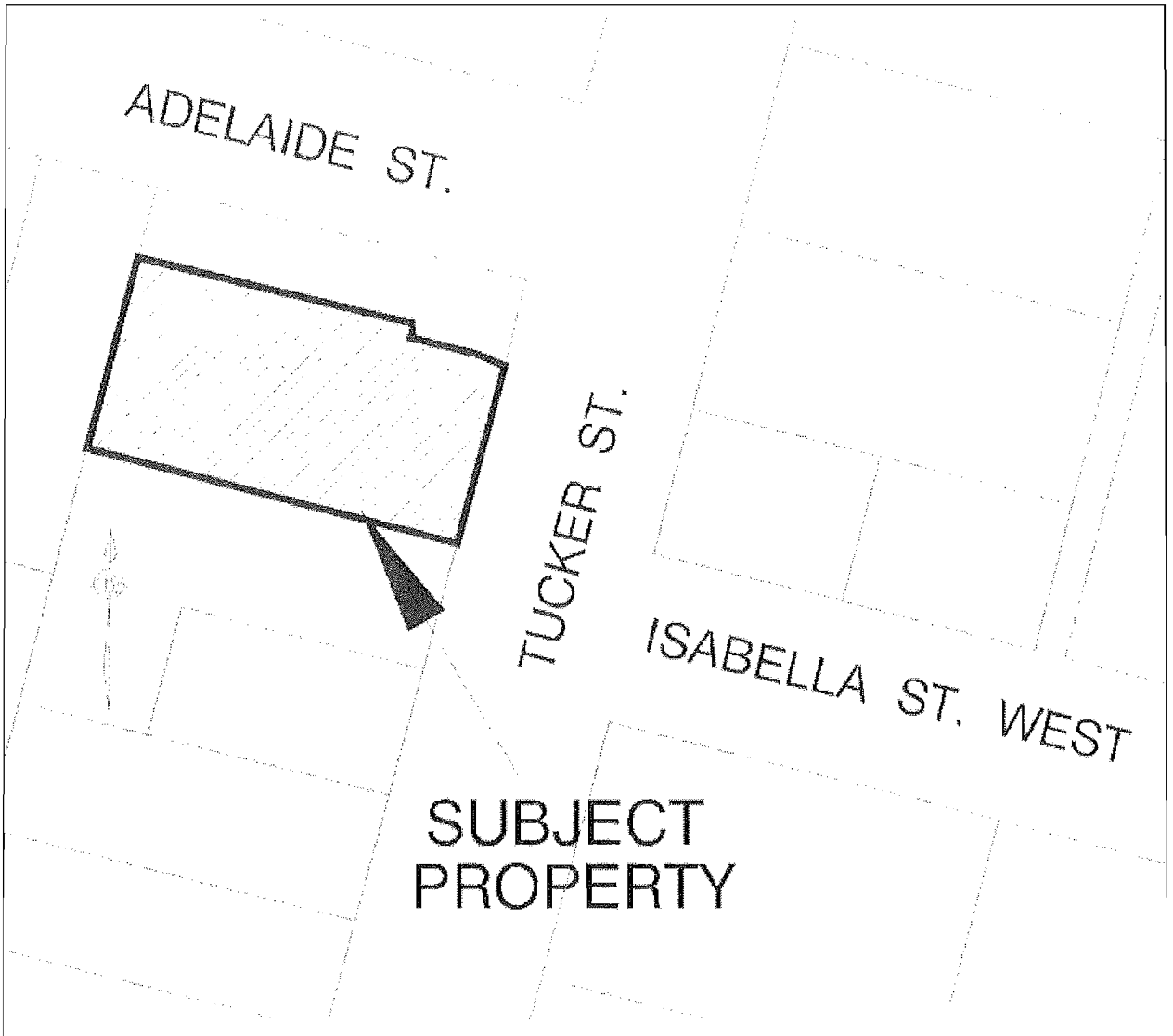
That the Committee of Adjustment meeting of August 9, 2010 be adjourned.

Resolution No. 4

Carried

Alt. Secretary Treasurer

Chairman





COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

June 23, 2010

Mr. Darren Jones, Building Inspector
Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

Re: **Minor Variance Application A5/10**
229 Tucker Street
Part Lot 35 & 36, Clarke's Survey
O'Neill/Craig

We have reviewed the application for minor variance and provide the following comments.

Planning Opinion: The application would provide relief from the minimum lot frontage for the existing dwelling and the proposed lot. The variance is required as a result of the subject lands being severed.

We have no concerns with this application. The relief requested is minor in nature. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property.

Wellington County Official Plan: The subject property is designated RESIDENTIAL, in the Arthur Urban Centre. Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

Wellington North Zoning By-law: The subject lands are zoned R1C (Residential). The property was recently severed to create a vacant residential lot. The severance has created a deficiency in the lot frontage for the existing dwelling (semi) and the proposed vacant parcel. The following relief is requested:

1. Parcel B - a minimum frontage of 9 m (30 ft), whereas the by-law requires a 15m (49.2 ft).
2. Parcel C – a minimum frontage 13.7 m (45 ft), whereas the by-law requires a 15 m (49.2 ft).

I trust that these comments will be of assistance to the Committee.

Yours truly,

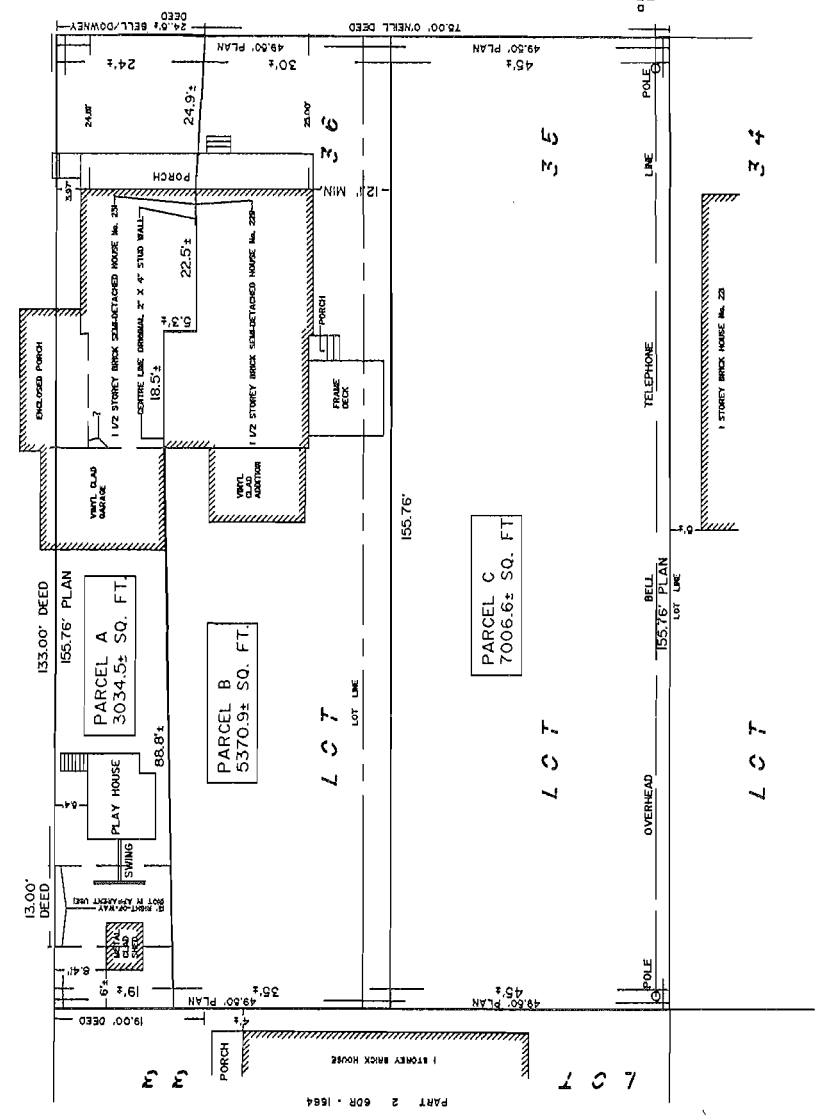
Linda Redmond, B.A.
Planner

OF LOTS 35 AND 36
 CLARKE'S SURVEY
 TOWNSHIP OF WELLINGTON NORTH
 (FORMERLY VILLAGE OF ARTHUR)
 COUNTY OF WELLINGTON

SCALE : 1 INCH = 20 FEET
 DEREK GIBSON GRAHAM
 PROFESSIONAL SURVEYOR

THIS IS NOT A PLAN OF SURVEY
 ALL DIMENSIONS SUBJECT TO FINAL FIELD SURVEY

ADELAIDE STREET



AMENDMENTS	
MARCH 9, 2010	LANDS SUBJECT TO APPLICATION UNDER THE PLANNING ACT R.S.O. 1990, CHAPTER P13
FEBRUARY 9, 2010	REVISIONS TO PARCEL DIMENSIONS

Derek G. Graham Limited	
Professional Land Surveying	Mailing Address:
Land Use Planning	P.O. Box 295
	7669 Colborne Street East
	Etara, Ontario
	R.R. 1, Fergus, Ontario
	NIM 2W3
	(519) 846-5533 (telephone)
	(519) 846-9305 (facsimile)

PER: Ontario Land Surveyor	ACAD DATE	MARCH 9, 2010
	FILE	18-CLARKE'S SURVEY ARTHUR
	NOTE:	Valid copy with embossed seal only



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

PLAN REVIEW REPORT Township of Wellington North
Barren Jones, Building/Zoning Dept.

DATE: JUNE 22, 2010 YOUR FILE: A5/10
GRCA FILE: Wellington/Well N/MV/NC

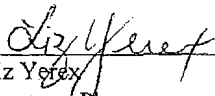
RE: Application for Minor Variance
229 Tucker Street, Arthur

GRCA COMMENT: *

The Grand River Conservation Authority has no objection to the application to provide relief from the required lot frontage and interior side yard setback.

BACKGROUND:

- 1. Resource Issues:
None identified
- 2. Legislative/Policy Requirements and Implications:
None
- 3. Additional Information/Suggestions provided in an advisory capacity:
None


Liz Yerex
Resource Planner
Resource Management Division

* *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

N:\Watershed Resources Planning\Resource Planning\WELLINGTONNORTHWELL\2010MVA5-10 229 Tucker
MeStreet.doc



ISO 14001 Registered

Canadian
Heritage
Rivers
System



Building/Zoning Department
Township of Wellington North
7490 Sideroad 7 W
Kenilworth, Ontario
N0G 2E0

Dear Sir:

Re: Application A5/10 – Minor Variance – Part of Lot 35 & 36, Clarke’s Survey, 229 Tucker Street, Arthur

I am the registered owner of 221 Tucker Street, in the Village of Arthur. I have received the Notice of an Application for a Minor Variance with respect to the above property. The subject of this application immediately adjoins the property owned by me.

I understand that the applicant for the minor variance has applied for a severance of a parcel of vacant land having a frontage of 45 feet and a depth of 155.76 feet I had no objection to this severance but now I do object the application for a minor variance. The reasons for my objection are:

- a. The minor variance will allow a reduction of the required frontage of 49.2 to 45 feet;
- b. And a reduction of the required side yard from 3.9 feet to ?
- c. There is no need to reduce the frontage from the required frontage as the applicant has 12 feet from the Southerly side of his residence to the proposed severance so the Northerly limit of the proposed severance could be adjusted closer to the residence of the applicant so he would have an adequate frontage to meet the requirements of the zoning by-law. We suspect that the applicant wants to maintain a 12 foot side yard on the South side of Parcel B which he is retaining in order to comply with the requirement of the zoning by-law which provides that a 12 foot side yard is required when there is no garage. The applicant should be required to develop his vacant land without requesting a minor variance which will adversely affect the value and enjoyment of my property.
- d. If the frontage is changed so that it is the required frontage then there would be no need to reduce the side yard abutting my property.

e. There is a Bell Telephone easement along the Southerly limit of the applicant's property which he proposes to sever so any reduction of the required side yard by minor variance should not encroach on this Bell Telephone easement.

f. To reduce the side yard and front yard requirements will diminish the value of my property by allowing a smaller residence on the severed parcel than the other existing residences in the area.

Dated this 28th day of June, 2010.

A handwritten signature in black ink, appearing to read 'Ethel McEwen', written over a horizontal line.

Ethel McEwen

Wellington North Township
Kenilworth, ON

July 9, 2010

Mayor Mike Broomhead & Councillors,

Although I still object to the proposed variance to the adjacent property, I do not wish to delay the decision any further. I had hoped that the compromise of reducing the driveway allowance by two feet from twelve to ten would be possible, however no mutually agreeable solution has been forthcoming. I do want it noted that any variance will be proceeding with my objection.

You may reference my concern outlined in my written submission on June 26, 2010.

Sincerely,

Ethel McEwen

A handwritten signature in cursive script that reads "Ethel McEwen".