

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

Page Two

APPLICATION A2/11

Applicant: Steve Hummel and Sharon Hummel

THE LOCATION OF THE SUBJECT PROPERTY is described as Lot 6 Part Lot 5, with a civic address of 455 Durham St. W., Mount Forest. The property is approximately 1372 sq.m (14,769 sq.ft.) in size and has frontage on Durham and Henry Streets.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required lot area, frontage, interior side yard and exterior side yard setbacks under section 11.2 of the Wellington North Zoning By-law regulating the setback requirements for single detached dwellings in an R1C zone. The applicant is proposing to sever the subject property to create two additional lots and construct a single detached dwelling on each of the severed parcels (consent applications B33/11 and B34/11). The property is located in a Residential (R1C) zone. Other variances may be considered where deemed appropriate. The end result will be 3 residential lots on the property.

4. The Secretary Treasurer confirmed that the original notice was mailed to surrounding property owners and required agencies on May 24, 2011 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed comments provided by Denise Whaley, Junior Planner, dated May 12, 2011.

The variances requested would provide relief from sections 11.2.1, 11.2.2, 11.2.4 & 11.2.5 of the Zoning By-law to allow a reduced frontage, lot area, and side yard setbacks to allow the construction of two single detached dwellings.

The Planning Department had no concerns with the relief requested at this time. 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, provided that:

- a) The application for the minor variances are approved subject to the attached sketch and,
- b) The approval of consent applications B33/11 and B34/11.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

Page Three

The Places to Grow policies place emphasis on intensification and optimizing of the use of existing land supplies. Under section 2.2.2.1 which deals with managing growth it states: “population and employment growth will be accommodated by concentrating intensification in intensification areas.” Intensification is defined as: “the development of a property, site or area at a higher density than currently exists through...b) the development of vacant and/or underutilized lots within previously developed areas; or c) infill development.” The plan further states municipalities are to develop policies and strategies to achieve intensification that will encourage and facilitate intensification. Additionally the municipality should identify the appropriate type and scale of development within these areas.

The subject property is designated Residential in the Mount Forest Urban area in the Wellington County Official Plan. 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.

In the Wellington North Zoning By-law the subject lands are zoned Residential (R1C). The applicants are proposing to sever the subject property to create two new residential lots and construct a new single detached bungalow on each new lot. The retained parcel would maintain the current dwelling. The proposed severances and location of the dwellings will create lot area, frontage and side yard deficiencies shown below for the three parcels:

Severed Parcel (A) – Proposed Single Detached Bungalow

	<u>By-Law R1C Regulations</u>	<u>Proposed Dimensions</u>
Lot Frontage, minimum	15.0 m (49.2 ft)	13.6 m (44.6 ft)

Retained Parcel (B) – 1 ½ Storey existing

	<u>By-Law R1C Regulations</u>	<u>Proposed Dimensions</u>
Lot Frontage, minimum	15.0 m (49.2 ft)	12.2 m (40.0 ft)
Lot Area, minimum	465.0 m ² (5005.4 ft ²)	418.7 m ² (4508.0 ft ²)
Interior Side Yard	3.7 m (12.1 ft)	2.4m (7.8 ft)
No attached garage		

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

Page Four

Severed Parcel (C) – Proposed Single Detached Bungalow

	<u>By-Law R1C Regulations</u>	<u>Proposed Dimensions</u>
Lot Frontage, minimum	15.0 m (49.2 ft)	14.1 m (46.6 ft)
Exterior Side Yard, minimum	7.6 m (24.9 ft)	6.2 m (20.3 ft)

One of the tests for a minor variance application is whether the variance(s) sought is minor. In this application 6 variances are being sought; however 3 of these are within the retained parcel which will have relatively minor impacts on the surrounding neighbourhood. For the proposed single detached bungalows, the requested variances would be considered minor.

This property was part of a previous consent application which had provided for only 40 ft of frontage for the proposed Lot A). Because of neighbour concerns at that time it was determined that the proposed lots could be reconfigured to allow for increased lot frontage for Lot A) and a side yard setback of 10 ft, which exceeds the requirement for side yards as per section 11.2.4 of the zoning by-law.

This application is consistent with the policy direction for intensification under the Places to Grow Act, 2005 and to the County of Wellington Growth Strategy in Part 3 of the Official Plan.

The configuration has been modified as there were concerns raised by Council and residents when the previous application was before the Land Division Committee. The Land Division Committee was supportive of the application but wanted to ensure that the issues raised by Council and residents were resolved.

6. Correspondence/Comments received:
 - Saugeen Valley Conservation Authority
 - no objection

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

Page Five

7. Questions/Comments

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

The Applicant was present to answer any questions regarding the application.

Mr. Hummel reviewed the sketch of the proposed lots. He acknowledged that Mr. Hill lives beside the proposed inside lot, and that Mr. Nelson is the father of the adjacent neighbour, Stuart Nelson. He noted that Council had supported the original application with changes to the configuration. Mr. Hummel amended the application by removing the planned rear driveway. The proposed use of these lots is single family homes with attached garages. The original house would remain on the middle lot. This would meet policies on intensification. Mr. Hummel felt there is plenty of room for two more homes and is requesting four feet variance for both lots. He has built similar homes elsewhere.

Persons present who wish to make oral and/or written submissions against this application?

Bill Nelson spoke on behalf of his son and daughter-in-law, 311 Henry Street, and as a realtor and raised concerns regarding density. These lots will have less than the required frontage. They are concerned with the depth and width of the corner lot which will require a narrow width house. There are six variances requested and the Nelsons are concerned with setting a precedent that may affect development in the future.

Robert Hill, 465 Durham St., cited his previous experience sitting on the Committee of Adjustment for the Town of Mount Forest. Mr. Hill provided a copy of the letter he submitted to the Land Division Committee on March 4, 2011 outlining his objection to the severances. He stated that the Committee has a mandate to use the zoning by-law to provide guidelines and protect the surrounding properties. The size of the severed lots would not meet the requirements of the current zoning - R1C – Residential. Mr. Hill felt that this should be a request for a complete By-law change as this would be precedent setting if permitted. Mr. Hill questioned the justification for the centre lot. Three of the requested variances impact the centre lot. Mr. Hill commented that the Saugeen Conservation Authority had no concerns with the application; but, questioned if they are aware that there is a sink hole on the rear of the land and you can't build on unstable land.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

Page Six

Ms. Redmond explained that approval of this application would not set a precedent. The Committee does not look at previous consents and minor variances when reviewing applications.

Paul Greenfield, lives across the street from the subject property. Mr. Greenfield stated that there are policies and by-laws in place and it is Council's job to keep things as is with only minor adjustments. He is concerned with the size of the lots and stated that families don't want small lots.

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

Committee – Comments and Questions

Councillor Lennox stated that he had objections to the initial submission. He expressed his concern with the number of variances being requested and felt he could not support the application as it no longer seems minor. Councillor Lennox questioned if another configuration would be possible.

Mr. Hummel explained that one variance runs into the other, the biggest variance is the 40 ft. frontage for the centre lot, which is the result of trying to leave more footage between houses. Some of the variances were created as a result of alleviating the concerns of neighbours. Mr. Hummel suggested that changing to R2 and building a triplex would create more intensification.

Mayor Tout questioned if it would be beneficial to remove the existing house and create two lots instead of three.

Mr. Hummel stated that the existing house is staying. He purchased the property from Mr. Padfield with the belief the property could be divided. Mr. Padfield's mother recently moved out.

Councillor Burke did not support the application. The homes are similar to those Mr. Hummel is building in Arthur but the lots are smaller.

Councillor Goetz questioned if the existing house left on the centre lot could be replaced if something happened to it.

Mr. Hummel stated that it could be rebuilt.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

Page Seven

Mayor Tout read the comments Councillor Yake had provided. Councillor Yake did not support the application as presented. He felt that creating 3 undersized lots with 6 minor variances in an existing neighbourhood is wrong and expressed concern that we would be opening the door for future developments of significantly undersized lots. Councillor Yake expressed concern that Provincial Planning Policy says that we need to squeeze more people into less space, no matter what the municipal Council or neighbours say. He is also concerned about setting a precedent and asked Council to not support this application and asked that the developer be required to come up with another plan.

Mayor Tout commented that he appreciated the developer's efforts but felt that two larger homes would better suit the neighbourhood than what is proposed. Mayor Tout asked the applicant if he would like to defer the application to consider other alternatives or if he wished to proceed with a decision at this meeting.

Mr. Hummel requested that a decision be made at this meeting regarding this application.

Moved by: Councillor Lennox

Seconded by: Councillor Goetz

THAT the minor variance applied for in Application A2/11 be denied.

Resolution No. 2

Carried

Recorded vote	Yea	Nay
Burke	X	
Goetz	X	
Lennox	X	
Yake (absent)		
Tout	X	

4 Yeas 0 Nays Carried

***Reasons for decision: - Variances are not considered minor in nature.
- Not a desirable use of the land.***

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

Page Eight

8. Adjournment

Moved by: Councillor Burke

Seconded by: Councillor Goetz

That the Committee of Adjustment meeting of June 20, 2011 be adjourned.

Resolution No. 3

Carried

Secretary Treasurer

Chairman