



Township of Wellington North

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

COMMITTEE OF ADJUSTMENT

Monday, September 12th, 2011 – 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

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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, A4/11 (attached)	01
<p><u>APPLICATION A5/11</u></p>	
<p>Applicant: Noah Martin and Verna Martin</p>	
<p>THE LOCATION OF THE SUBJECT PROPERTY is described as Part of Lot 18, Concession 10, RP 61R9990; Part 1, with a civic address of 7044 Sideroad 7 West. The property is approximately 1.86 hectares (4.59 Acres) in size and occupied by a residential 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 maximum size of an accessory structure under the Wellington North Zoning By-law. The subject lands are zoned a combination of Agricultural (A) and Natural Environment (NE). Other variances may be considered where deemed appropriate.</p>	05
<ol style="list-style-type: none">4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on August 30th, 2011 as well as posted on the property.5. Application for a Minor Variance	6

Committee of Adjustment Agenda
September 12th, 2011 – 7:00 p.m.

AGENDA ITEM	PAGE NO.
6. Township Planner – Linda Redmond will review the County comments (attached).	11
7. Correspondence/Comments received: - None	
8. Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance? Are there any persons present who wish to make oral and/or written submissions against this application? Those wishing to be notified of decision please leave name and address with secretary-treasurer. Committee: - Comments and questions	
9. Adjournment.	

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A4/11

The Committee of Adjustment met on Monday, August 29, 2011 at the Kenilworth Municipal Office, at 7:00 p.m.

**Members Present: Chairman: Raymond Tout
Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake**

**Also Present: Alternate Secretary-Treasurer, Lorraine Heinbuch
Executive Assistant, 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 Lennox
Seconded by: Councillor Goetz**

THAT the Committee of Adjustment meeting minutes of July 25, 2011 – A3/11 be adopted as presented.

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Applications A4/11 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A4/11

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APPLICATION A4/11

Applicant: Arlene Pronk

THE LOCATION OF THE SUBJECT PROPERTY is described as Lot 8, Concession 2, with a civic address of 8355 Line 2, West Luther. The property is approximately 42 ha (104 ac.) in size.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required interior side yard setback for an existing farm building. This Minor Variance is a condition of severance application B50/11, that was granted provisional approval by the Wellington County Land Division Committee in May 2011. The consent will split an 82.1 ha (203 ac) farm in a Prime Agricultural Area into two agricultural lots. The property is currently zoned Agricultural. Other variances may be considered where deemed appropriate.

4. The Secretary Treasurer confirmed that the original notice was mailed to surrounding property owners within 120 metres and required agencies on August 18, 2011 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed her comments dated August 18, 2011.

The application would provide relief from the minimum side yard setback for an existing farm building. The variance is required as a result of the subject lands being severed.

The Planning Department had 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.

The subject property is designated Prime Agricultural 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.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A4/11

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The subject lands are zoned Agricultural (A) in the Wellington North Zoning By-law. The property was recently severed to create a vacant farm parcel. The severance has created a deficiency in the interior side yard for an existing farm building and the proposed vacant parcel and the following relief is requested:

1. A 3.9m (12.8 ft) interior side yard setback to a drive shed, whereas the by-law requires 18.3 m (60 ft) under section 8.2.4 d).

This variance is a condition of severance application B50/11, that was granted provisional approval by the Wellington County Land Division Committee in May 2011. The consent will split an 82.1 ha (203 ac) farm in a Prime Agricultural Area into two agricultural lots.

6. Correspondence/Comments received:

- Grand River Conservation Authority
- no objection

7. Questions/Comments

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

The Applicant's Agent, Vince Starratt was present to answer any questions regarding the application.

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.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A4/11

Page Four

Committee – Comments and Questions

Moved by: Councillor Lennox

Seconded by: Councillor Goetz

THAT the minor variance applied for in Application A4/11 be authorized.

Resolution No. 2

Carried

8. Adjournment (7:08 p.m.)

Moved by: Councillor Lennox

Seconded by: Councillor Goetz

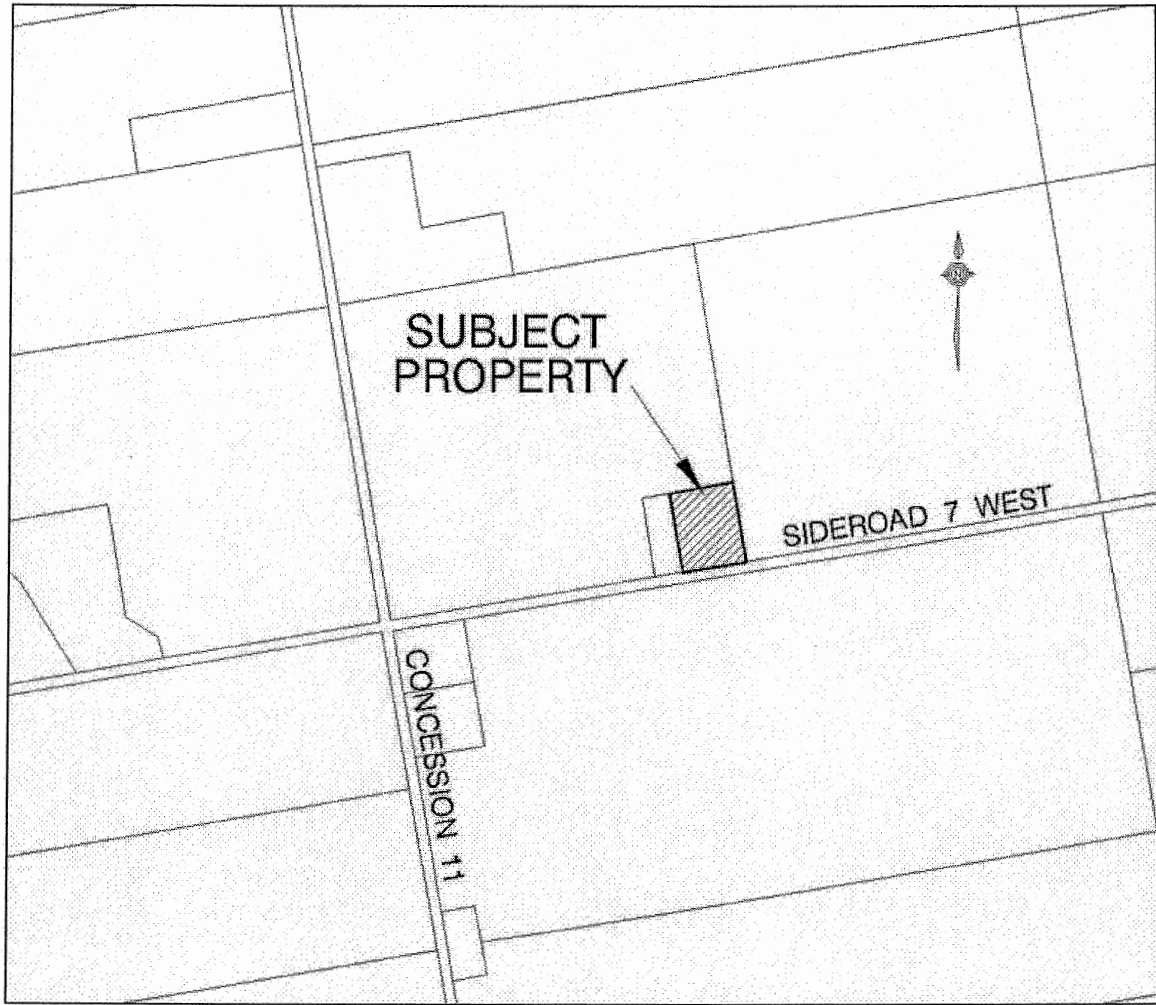
That the Committee of Adjustment meeting of August 29, 2011 be adjourned.

Resolution No. 3

Carried

Secretary Treasurer

Chairman



COPY



TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: August 19, 2011

File Number: A 5111 Roll # 23-49-000-010-12610-0000

Date Application Filed: Application Fee Received: \$ 750.00

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): Noah & Verna Martin
Address: 9372 Hwy 6 RR#5 Kanilworth ON N0G2E0
Phone: Home (519) 323-0372 Work () Fax ()
Email: ()

Please note: AUTHORIZATION IS REQUIRED IF THE APPLICANT IS NOT THE OWNER (See Section G)

b)* Applicant (Agent) Name(s): Noah & Verna Martin
Address:
Phone: Home (519) 323-0372 Work () Fax ()
Email: ()

c)* Name, Address, Phone No. of all persons having any mortgage charge or encumbrance on the property:

d) Send Correspondence To: Owner [X] Agent [] Other []

2.* PROVIDE A DESCRIPTION OF THE "ENTIRE" PROPERTY

Measurements are in: Metric [] Imperial [X] units
Municipal Address: 7044 Sideroad 7 West RR#5 Mount Forest ON N0G2L0
Concession: 10 Lot: 18 Registered Plan No.:
Area: 5 acres Depth: 500 Frontage (Width): 400 Width of Road Allowance (if known):

3a)* WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

- i) Provincial Highway [] ii) Seasonally maintained municipal road [] iii) Continually maintained municipal road iv) Other public road [] v) Right-of-way [] vi) Water access []

3b).* IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD.

4.* WHAT IS THE CURRENT OFFICIAL PLAN AND ZONING STATUS?

Official Plan Designation: _____

Zoning: _____

B. EXSTING AND PROPOSED SERVICES

5.* INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Water	Private or Communal Water	Private Well	Other Water Supply	Municipal Sewers	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing*	[]	[]	<input checked="" type="checkbox"/>	[]	[]	[]	<input checked="" type="checkbox"/>	[]
b) Proposed	[]	[]	<input checked="" type="checkbox"/>	[]	[]	[]	<input checked="" type="checkbox"/>	[]

6. IS STORM DRAINAGE PROVIDED BY: Sewers [] Ditches Swales Other means []

7. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?

Sideroad 7 West

C. REASON FOR APPLICATION

8.* WHAT IS THE NATURE AND THE EXTENT OF THE RELIEF THAT IS BEING APPLIED FOR?

(Please specifically indicate on sketch)

I would like to build a shed larger than 1000 square feet

9.* WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE BY-LAW?

(Please specifically indicate on sketch)

I want a larger shed to use for. ① A portion of it for garage, lawn + garden storage. ② Excavation equipment storage.

D. EXISTING SUBJECT AND ABUTTING PROPERTY LAND USES, BUILDINGS & THEIR LOCATIONS

10.* WHAT IS THE "EXISTING" USE OF:

a) THE SUBJECT PROPERTY? Residential

b) THE ABUTTING PROPERTIES? Residential, Agricultural

11.* PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS ON OR PROPOSED FOR THE SUBJECT LAND: Measurements are in Metric [] Imperial [] units

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Type of Building(s)	<u>House</u>	<u>Shed</u>	b) Main Building Height	<u>20'</u>	<u>24'</u>
c) % Lot Coverage	<u>5%</u>	<u>2%</u>	d) # of Parking Spaces	<u>—</u>	<u>—</u>
e) # of Loading Space(s)	<u>—</u>	<u>—</u>	f) Number of Floors	<u>2</u>	<u>1</u>
g) Total Floor Area (exclude basement)	<u>1200A</u>	<u>4000</u>	h) Ground Floor Area	<u>1200</u>	<u>4000</u>

12.* WHAT IS THE LOCATION OF ALL BUILDINGS EXISTING AND PROPOSED FOR THE SUBJECT PROPERTY (Specify distances from front, rear and side lot lines)
Measurements are in: Metric [] Imperial [] units

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Front Yard	<u>400'</u>	<u>390'</u>	b) Side Yards	<u>225'-125'</u>	<u>70'-250'</u>
c) Rear Yard	<u>70'</u>	<u>60'</u>			

13.* DATE OF ACQUISITION OF SUBJECT PROPERTY: Aug 12 2011

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: House 1975

14. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY?
since 1975

15.* HAS THE OWNER PREVIOUSLY APPLIED FOR RELIEF IN RESPECT OF THE SUBJECT PROPERTY
YES [] NO []
IF THE ANSWER IS YES, PLEASE INDICATE THE FILE NUMBER AND DESCRIBE BRIEFLY:

F. OTHER RELATED PLANNING APPLICATIONS

16.* HAS THE APPLICANT/ OWNER MADE APPLICATION FOR ANY OF THE FOLLOWING ON THE SUBJECT LAND?

Official Plan Amendment	Yes []	No [<input checked="" type="checkbox"/>]
Zoning By-law Amendment	Yes []	No [<input checked="" type="checkbox"/>]
Plan of Subdivision	Yes []	No [<input checked="" type="checkbox"/>]
Consent [Severance]	Yes []	No [<input checked="" type="checkbox"/>]

17.* IF THE ANSWER TO QUESTION 15 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. of Application: _____

Purpose of Application: _____

Status of Application: _____

G. AUTHORIZATION FOR AGENT/SOLICITOR TO ACT FOR OWNER:

(If affidavit (H) is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below must be completed)

I (we) Noah Martin of the Township of Wellington North

County/Region of Wellington do hereby authorize _____ to act as my agent in this application.

Signature of Owner(s) Date

H.* AFFIDAVIT: (This affidavit must be signed in the presence of a Commissioner)

I (we) Noah Martin of the Township of Wellington North County/Region of Wellington solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the Township of Wellington North in the County of

Wellington this 19 day of August, 2011.

Noah Martin
Signature of Owner or Authorized Solicitor or Authorized Agent

Aug 19 2011
Date

Catherine E. More
Signature of Commissioner

Aug 19, 2011
Date

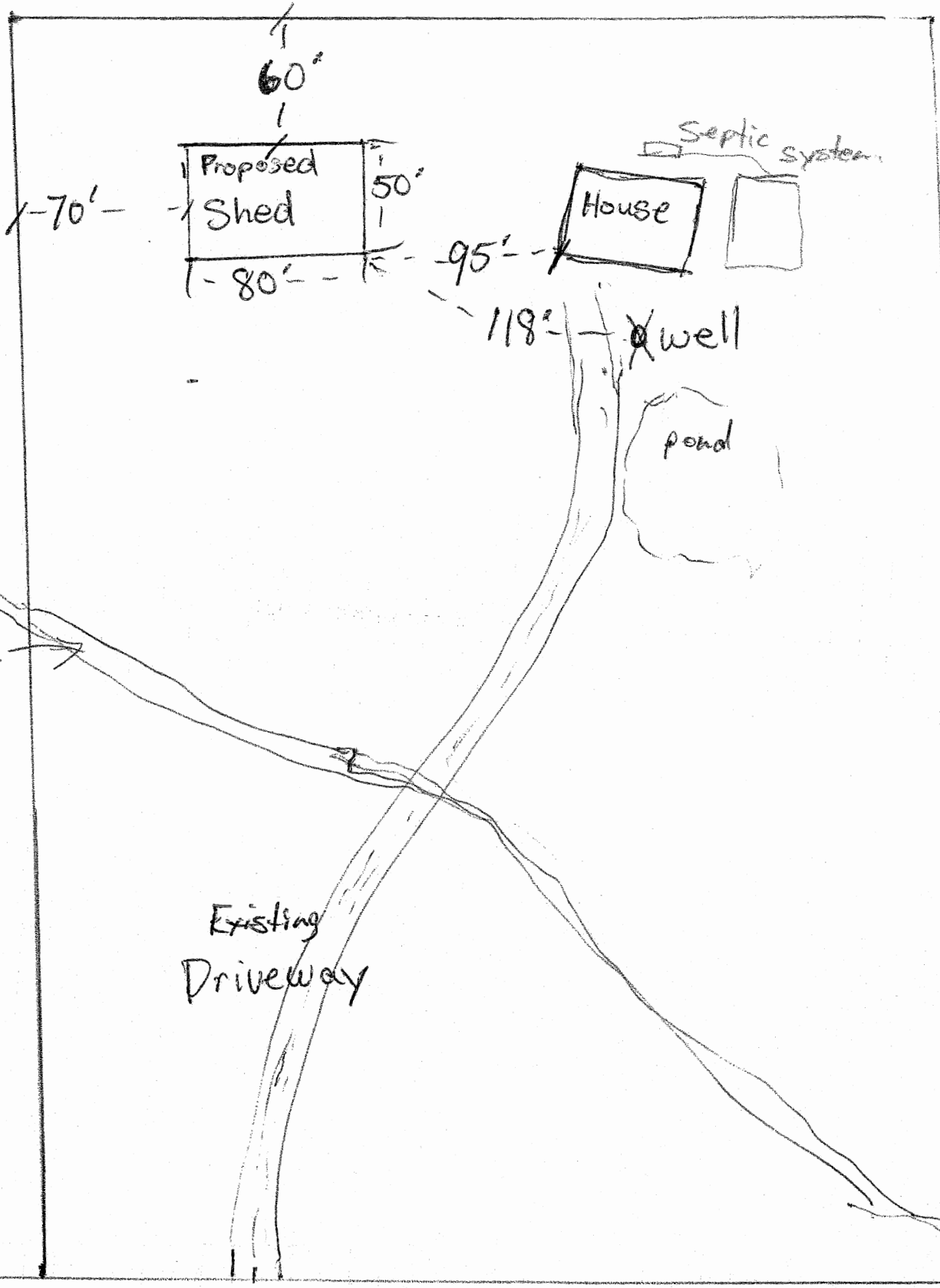
CATHERINE E. MORE, a Commissioner, etc., County of Wellington, Deputy Clerk of the Corporation of the Township of Wellington North.

APPLICATION AND FEE OF \$750.00 RECEIVED BY THE MUNICIPALITY:

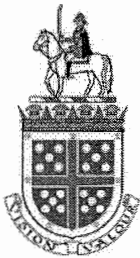
[Signature]
Signature of Municipal Employee

August 19, 2011
Date

Site plan ^{NOAN} ^{VERNA} ^{MOUNTAIN}
7044 Sideroad 7 West



SIDEROAD 7 West



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

September 6, 2011

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 A5/11**
Pt Lot 18, Concession 10
7490 Sideroad 7
Martin

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

Planning Opinion:

The variance requested would provide relief from the maximum floor area requirement for a detached accessory structure on a residential lot. The applicants are proposing to construct a 371.6 sq m (4000 sq ft) accessory structure whereas 92.9 sq m (1000 sq ft) would normally be the maximum. The applicants have stated that they intend to use a portion of the building as a garage and personal storage and the remainder to store excavating equipment.

We have concerns with the size and scale of the proposed structure. In addition we have concerns with the use of the building. The Committee should be satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and would be desirable and appropriate for the development of the subject property. Approval of this variance should be conditional that the proposed use of the structure will be for personal storage only and not for commercial or residential purposes except as permitted and regulated under the home industry criteria as outlined in section 6.14.

Wellington County Official Plan: The subject property is designated Prime Agricultural and Core Greenlands 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 Agricultural (A) and Natural Environment (NE). The applicants are proposing to construct a 371.6 sq.m (4000 sq.ft.) accessory structure in order to store personal vehicles, lawn and garden equipment as well as excavation equipment. The zoning by-law limits the size of all accessory structures on residential properties. As such, the following relief is required:

1. To allow a combined area of 371.6 m² (4000 sq.ft) for an accessory structures, whereas the by-law allows a maximum of 92.9 m² (1000 sq.ft.) for all accessory structures.

Section 5.3 of the by-law defines "accessory" as "a use, building or structure which is incidental, subordinate, and exclusively devoted to the main use, building or structure located on the same lot and in the same zone as such use, building or structure and which is not used or intended for use as human habitation unless permitted by the provisions of certain zones of this By-law The intent of an accessory

structure is one which is clearly secondary and devoted to the main permitted use and should not be used for gain or profit or for human habitation.

Planning Comments

This application is for a minor variance to allow an oversized accessory structure. The reason stated for the large size is to accommodate excavation equipment storage. At this time staff are unaware of the nature of this business with respect to size and scale. The current zoning by-law does not permit an excavating or contractors yard within the Agricultural zone if this is in fact the use of the building. The Provincial Policy Statement (PPS) and Wellington County Official Plan provide policy direction related to permitted uses within PRIME AGRICULTURAL areas which include agricultural uses, secondary uses (home industries and home occupations) and agriculture-related uses. Home Industries are one type of Home Business which may be permitted "as a means of supplementing farm incomes and providing services in agricultural areas." Home Industries are also expected to be small in scale with a limited number of employees, and minimal off-site impacts. Examples include minor equipment repair, woodworking, crafts, and welding.

The Official Plan and the Provincial Policy Statement directs most industrial and commercial uses to Hamlets or Urban Centres. The Agriculture First policy of Section 6.4.2 states that "As a general rule, land use activities that support agriculture will be encouraged and land use activities that do not support agriculture will be discouraged".

The Wellington North Zoning By-law permits certain home industries which are defined as a small scale occupation or business conducted for gain or profit as a secondary use to the main permitted use. An excavation storage/yard would require a zone amendment in order to locate on this property as a home industry. The criteria under section 6.14 (Figure 1) would be used to determine whether or not the use could meet the size and scale as outlined within this.

Figure 1 - 6.14 HOME INDUSTRY REGULATIONS

Home industries, where listed as a permitted use, are subject to the following regulations:

- a) It is secondary to the main use on the lot and does not create a traffic hazard or nuisance;
- b) It may include such uses as a carpentry shop, a welding shop, a machine shop, furniture fabrication, assembly and repair; a tool and repair shop, and a small engine repair shop but shall not include autobody repairs or automobile sales, service and repair; automotive washing establishment, the sale of gas, or a wrecking yard;
- c) There is no outside storage of materials, containers, or finished products;
- d) The maximum square footage of any or all buildings or structures or part of a building or structure used for a home industry shall not exceed 185.5 m² (2,000.0 ft²) of ground floor area;
- e) At no time may any home industry employ on-site more than two people who do not reside on the lot on which such home industry is conducted;
- f) There shall be no advertising other than a non-illuminating sign, which has a maximum size of one m² (10.8 ft²);
- g) No building or structure used for a home industry shall be located within 22.8 m (74.8 ft) of a lot line, nor within 121.9 m (400.0 ft) of a lot line of a vacant lot (less than 4.1 ha (10 ac) in size) or within 121.9 m (400.0 ft) of a residence on a separate lot.

I trust that these comments will be of assistance to the Committee in their consideration of this matter.

Yours truly,



Linda Redmond, B.A.
Planner