

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A7/11 and A5/11

The Committee of Adjustment met on Monday, November 7, 2011 at the Kenilworth Municipal Office, at 7:15 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 Burke
Seconded by: Councillor Goetz**

THAT the Committee of Adjustment meeting minutes of October 17, 2011 – A6/11 be adopted as presented.

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Applications A7/11 and A5/11 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

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APPLICATION A7/11

Applicant: Michael Neal and Brenda Neal

THE LOCATION OF THE SUBJECT PROPERTY is described as Part of Lot 32, Concession 4, with a civic address of 7429 Third Line. The property is approximately 2.4 hectares (6 Acres) in size and occupied by a residential dwelling and accessory structure.

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 Agricultural (A). Other variances may be considered where deemed appropriate.

4. The Secretary Treasurer confirmed that the notice was mailed to surrounding property owners and required agencies on October 27, 2011 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed her comments dated October 27, 2011.

The variance requested would provide relief from the maximum floor area requirement for a detached accessory structure on a rural residential lot. The applicant is proposing to construct a 204 sq.m (2200 sq.ft.) shed, whereas the by-law allows accessory buildings with a maximum coverage of 92.9 m² (1000 sq.ft). There is an existing shed on the property which is proposed to be removed.

Given the size of the subject property and neighbouring agricultural lots the impact of the relief requested appears to be minor in nature, however, the Committee should be satisfied that the accessory building is intended for personal use and not for commercial purposes. Provided the Committee is satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law the planning department had no concerns with the proposed minor variance.

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Under the Wellington County Official Plan the subject property is designated Prime Agricultural. Section 13.7 of the Wellington County Official Plan and 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 should be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

Under the Wellington North Zoning By-law the subject lands are zoned Agricultural (A). The property is currently occupied by a residence and a 162.5 sq.m. (1700 sq.ft.) shed. The applicants are proposing to remove the existing shed and construct a new one that will be 204 sq.m. (2200 sq.ft.) in size. The application states that the proposed shed is to be used for the storage of a trailer, tractor and wood. The following relief from the Zoning By-law is required:

1. A total floor area of 204 m² (2200 sq.ft.) whereas section 6.1.4 ii) of the by-law allows a maximum floor area 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 used for gain or profit or for human habitation.

The impact on the immediate area of this property appears to be minimal. The property is approximately 6 acres in size, is located in a rural area of the Township and is surrounded by larger farm parcels which are zoned agricultural.

6. Correspondence/Comments received:

- Liz Yerex, Grand River Conservation Authority
- no objection

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7. 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 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.

Committee – Comments and Questions

None.

Moved by: Councillor Burke
Seconded by: Councillor Goetz

THAT the minor variance applied for in Application A7/11 be authorized.

Resolution No. 2

Carried

DEFERRED APPLICATION A5/11

Applicant: Noah Martin and Verna Martin

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.

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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.

8. Request to withdraw application from Applicant.

Moved by: Councillor Goetz

Seconded by: Councillor Burke

THAT the Committee of Adjustment receive the request to withdraw Application A5/11.

Resolution No. 3

Carried

9. Adjournment (7:19 p.m.)

Moved by: Councillor Goetz

Seconded by: Councillor Burke

That the Committee of Adjustment meeting of November 7, 2011 be adjourned.

Resolution No. 4

Carried

Alternate Secretary Treasurer

Chairman