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Committee of Adjustment

Monday, April 24, 2017

7:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

AGENDA ITEM	PAGE NO.
<u>CALLING TO ORDER</u>	
- Chairman Lennox	
<u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u>	
<u>MINUTES OF PREVIOUS MEETING(S)</u>	
Committee of Adjustment, April 10th, 2017 (A01-17, A02-17 and A03-17)	1
<u>APPLICATION A04-17</u>	
<u>OWNERS/APPLICANT</u>	
- Kathryn Giffen	
<u>LOCATION OF THE SUBJECT LAND</u>	12
The location of the subject property is described as Lot 10, Concession 6, Registered Plan 60R-1528, geographic township of West Luther and has a civic address of 8853 Wellington Rd 16. The subject land is approximately 5.76 ha (14.23 acres). The location of the property is shown on the map attached.	

AGENDA ITEM	PAGE NO.
<p><u>PURPOSE AND EFFECT OF THE APPLICATION</u></p> <p>The purpose and effect of the application is to provide relief from the maximum floor area and maximum height requirements for accessory structures. The applicant is requesting permission to construct an 1113 m² (11,980 ft²) horse riding arena with a proposed height of 6.75 m (22.14 ft). Other variances may be considered where deemed necessary.</p> <p><u>SECRETARY TREASURER</u></p> <p>Notices were mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on April 12th, 2017.</p> <p><u>PRESENTATIONS</u></p> <p>Elizabeth Martelluzzi, Junior Planner</p> <ul style="list-style-type: none">- See attached comments <p><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></p> <ul style="list-style-type: none">- None. <p><u>REQUEST FOR NOTICE OF DECISION</u></p> <p>Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></p> <p>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><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></p> <p><u>ADJOURNMENT</u></p>	<p>13</p>

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, APRIL 10, 2017 – 2:00 P.M.
A01/17, A02/17 AND A03/17**

The Committee of Adjustment met at the Kenilworth Municipal Office Council Chambers.

Members Present: Chairman: Andy Lennox
Sherry Burke
Lisa Hern
Steve McCabe
Dan Yake

Also Present: Secretary-Treasurer, Clerk: Karren Wallace
CAO/Deputy Clerk: Michael Givens
Executive Assistant: Cathy Conrad
Treasurer: Kimberly Henderson
Chief Building Official: Darren Jones
Planner: Jameson Pickard

THE CHAIRMAN CALLED THE MEETING TO ORDER

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

No pecuniary interest reported.

MINUTES OF PREVIOUS MEETING(S)

RESOLUTION NUMBER CoA 2017-01

Moved by: Member Hern

Seconded by: Member Yake

THAT the Committee of Adjustment meeting minutes of September 26, 2016 – A08/16 be adopted as presented.

CARRIED

APPLICATION A01/17

Owners/Applicant: Steven Clark

The location of the subject property is described as Lot 9, Concession 6 RP 61R-11009 with frontage on Wellington Road 16, Damascus. The subject land is approximately 0.4 ha (1 ac.).

The purpose and effect of the application is to provide relief from the required minimum lot frontage for a lot created by severance application B61/16. The frontage on the subject property is to be reduced from 30.5 m to 7 m. The

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variance requested will satisfy a condition related to the provisionally approved severance application.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on March 29th, 2017 pursuant to the provisions of the Planning Act.

PRESENTATION

Jameson Pickard, Planner, reviewed his comments dated April 3, 2017.

Planning Comments: The minor variance requested is a condition of consent application B61/16, which was granted provisional approval by the Wellington County Land Division Committee on October 19, 2016. The minimum lot frontage required is 30.5m (100 ft.), whereas a lot frontage of 7.0m (23 ft.) has been provided.

We would have no concerns with the relief requested and are satisfied that the application maintains 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.

SUBJECT PROPERTY AND LOCATION

The subject lands are described as Lot 9, Concession 6, in the geographic Township of West Luther. The subject land is approximately 0.40 ha (1.1 acres)

PROPOSAL

The purpose of this application is to provide relief from the minimum lot frontage requirements of section 9.2.2 the by-law. The relief is required in order to satisfy a condition of provisionally approved consent application B61/16 which was approved by the Wellington County Land Division Committee on October 13th, 2016.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated as HAMELT 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.

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TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Un-serviced Residential (R1A) zone. The applicants are requesting relief to the by-law in order to facilitate access to a proposed lot. The following relief is required:

1. To permit a lot frontage of 7 m (22.9 ft.), whereas section 9.9.2 of the By-law requires a 30.5 m (100 ft.) frontage.

CORRESPONDENCE/COMMENTS RECEIVED

David O'Dwyer, 8924 Wellington Road 16
- Strongly disagrees with the variance

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

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

Angela Alaimo, applicant's agent, was present to make a submission in support of the proposed minor variance. The application meets the four rules set out in the *Planning Act*. It is minor, conforms with the character of the neighbourhood, allows for desirable development, conforms with the Official Plan and is compatible with the zoning by-law.

- Persons present to make oral and/or written submissions against the proposed minor variance.

Jim Todd, 8923 Wellington Road 16, was opposed to the application in regards to the indicated access road and questioned what are the guidelines for access roads and does it meet the requirements.

Mayor Lennox explained that it is a driveway to access the property at the rear, not a road.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Mayor Lennox asked for clarification of what the buffering will consist of. Darren Jones, CBO, confirmed the buffering will be either a 5 foot fence or a solid planning of trees

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Councillor Hern questioned if there is sufficient frontage on the parcel to the south to build. Darren Jones, CBO, confirmed that there is sufficient frontage.

The Committee of Adjustment of the Corporation of the Township of Wellington North considered all written and oral submissions received on this application, the effect of which has assisted the Committee to make an informed decision on this planning matter.

RESOLUTION NUMBER CoA 2017-02

Moved by: Member McCabe

Seconded by: Member Burke

THAT the minor variance applied for in Application A01/17 to provide the following relief :

1. *That a minimum lot frontage on the severed portion of 7 m (23 ft) be permitted whereas 30.5 m (100 ft) is required.*

be authorized with the following condition(s):

- *That buffering be provided as per 6.3 of the zoning by-law along the property line of the subject land that abuts 8924 Wellington Road 16 prior to the issuance of a building permit.*

CARRIED

APPLICATION A02/17

Owners/Applicant: 861467 Ontario Inc.

The location of the subject property is described as Lot 11, Concession 1, geographic township of Arthur. The subject land is approximately 41.1 ha (101.5 acres).

The purpose and effect of the application is to provide relief from a number of sections of the Zoning By-law; including relief from section 8.4.3 for an increased separation distance between a second residential dwelling and principal dwelling on the property; relief from section 8.5.2.7 for a reduced minimum floor area for the second residence on the property; as well as relief from sections 6.1.4 b) and 6.1.3 for increases to the maximum floor area and height of an existing accessory structure on the property. These variance are a condition of severance application B25/16, that was granted provisional approval by the Wellington County Land Division Committee. Other variances may be considered where deemed appropriate.

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NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on March 29th, 2017.

PRESENTATION

Jameson Pickard, Planner, reviewed his comments dated April 3, 2017.

Planning Comments: The minor variance requested is a condition of severance application B25/16, which was granted provisional approval by the Wellington County Land Division Committee on June 9, 2016. The purpose of this application is to provide relief to several sections of the by-law, including relief for the separation distance between a principle dwelling and second dwelling unit on a property, relief to the minimum floor area of a residence on a property, and relief to the maximum floor area and height requirements for an existing accessory structure.

In terms of the relief for the separation distance between the two dwellings on the subject lands, it is required to facilitate a building permit to legalize the existing dwelling on the severed parcel. Relief for the separation distance is significant, however it is technical in nature and will be temporary, as it will no longer be relevant once the severance is finalized and the house is on separate parcel. The remaining relief requested is to address deficiencies that will result once the severance is finalized, and includes recognizing the undersized dwelling and oversized accessory building on the severed parcel.

We would generally have no concerns with the relief requested, and are satisfied that the application maintains 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. However, the Committee should be satisfied that the existing accessory building is intended for personal use and not for commercial purposes. A condition of this nature may be warranted. The Committee should also consider adding a condition which indicates that the required relief is only applicable to the severed parcel.

SUBJECT PROPERTY AND LOCATION

The subject lands are described as Part Lot 11, Concession 1, geographic Township of Arthur, with a civic address of 9206 Wellington Rd 14. The subject land is approximately 41.1 ha (101 acres)

BACKGROUND

The subject property was formally used as a mineral aggregate operation and has since been rehabilitated back to agriculture and the aggregate licence surrendered. In June of 2016 the applicants received conditional approval for

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severance application (B25/16) from the Wellington County Land Division Committee. The proposal would create a 1.2 ha (3 ac) rural residential parcel with an existing dwelling and accessory building. The dwelling was the former scale house servicing the aggregate operation and has been converted to a residential dwelling without the benefit of a building permit. As a condition of the severance application a building permit is required to legalize the dwelling and to obtain zoning compliance for other deficiencies.

PROPOSAL

The purpose of this application is to provide relief from the separation distance required between a principle dwelling unit and second dwelling unit on a property, additional relief is required to the minimum floor area requirement for the dwelling on the severed parcel, and relief to the maximum floor area and height requirements for an existing accessory structure. This relief is required as a condition of provisionally approved consent application B25/16.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL. 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 ZONING BY-LAW

The subject property is zoned Agricultural (A) zone. The applicants are requesting relief from the by-law to legalize an existing illegal residential dwelling and to permit an existing shop to remain on the proposed severed parcel. The following variances are required:

1. To permit one single family dwelling (existing) on the property with a setback of 530 m +/- (1,739 ft) from the dwelling on the retained property, whereas Section 8.4.3 would require the second residential dwelling unit to be located within 61 m (200 ft) of the main residence;
2. To permit a residential dwelling with a minimum floor area of 91 m² (980 ft²), whereas Section 8.5.2.7 requires a minimum floor area of 102.2 m² (1,100 ft²) for a dwelling on a property;
3. To permit a total ground floor area of 178 m² (1,916 ft²) for an accessory structure, whereas section 6.1.4 of the by-law permits a total maximum ground floor area of 111.5 m² (1,200 ft²) for a lot this size; and
4. To permit a maximum height of 8 m (26 ft.) for an accessory structure, whereas the by-law allows a maximum height of 4.57 m. (15 ft.).

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Part of the relief requested (variance # 1) is required for a building permit to be issued for the dwelling on the severed parcel. Although the principle and second dwelling will be separated once consent application B25/16 is finalized, zoning compliance is required in order for a building permit to be issued to legalize the dwelling on the severed parcel. The remaining variances requested (variances #2 - #4) are required to recognize zoning deficiencies that would exist with the dwelling and accessory building once the severed parcel is finalized.

CORRESPONDENCE/COMMENTS RECEIVED

- No correspondence received

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

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

No one present to make submissions in support of the proposed minor variance.

- Persons present to make oral and/or written submissions against the proposed minor variance.

No one present to make submissions against the proposed minor variance.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe questioned the laneway access. Mayor Lennox stated that the severance application anticipated a new laneway.

Mayor Lennox asked about putting a time limit for this application as the minor variance has to happen to complete the zone change. Darren Jones, CBO, indicated that the applicant would still need the separation and size for the building permit.

The Committee of Adjustment of the Corporation of the Township of Wellington North considered all written and oral submissions received on this application, the effect of which has assisted the Committee to make an informed decision on this planning matter.

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RESOLUTION NUMBER CoA 2017-03

Moved by: Member Burke

Seconded by: Member McCabe

THAT the minor variance applied for in Application A02/17 to provide the following relief:

- 1. To permit one single family dwelling (existing) on the property with a setback of 530 m +/- (1,739 ft) from the dwelling on the retained property, whereas Section 8.4.3 would require the second residential dwelling unit to be located within 61 m (200 ft) of the main residence;*
- 2. To permit a residential dwelling with a minimum floor area of 91 m² (980 ft²), whereas Section 8.5.2.7 requires a minimum floor area of 102.2 m² (1,100 ft²) for a dwelling on a property;*
- 3. To permit a total ground floor area of 178 m² (1,916 ft²) for an accessory structure, whereas section 6.1.4 of the by-law permits a total maximum ground floor area of 111.5 m² (1,200 ft²) for a lot this size; and*
- 4. To permit a maximum height of 8 m (26 ft.) for an accessory structure, whereas the by-law allows a maximum height of 4.57 m. (15 ft.).*

be authorized with the following condition(s):

- 1) That the accessory building is intended for personal use and not for commercial purposes*
- 2) The required relief is only applicable to the severed parcel.*

CARRIED

APPLICATION A03/17

Owners/Applicant: Christopher McGaughey and Noelle Jones

The location of the subject property is described as Part Park Lot 9, Mount Forest and has a civic address of 790 Waterloo Street. The subject land is approximately 743.2 m² (8,000 ft²).

The purpose and effect of the application is to provide relief from the maximum floor area and maximum lot coverage requirements for accessory structures on a property. Section 6.1.4 a) and b) of the by-law permits a maximum floor area of 92.9 m² (1,000 ft²) for an accessory structure and a total lot coverage of 10 % for all accessory structures on a property. The applicant is requesting permission to construct a 93.6 m² (1008 ft²) detached garage which would result in a total accessory building lot coverage of 12.6%. Other variances may be considered where deemed necessary.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on March 29th, 2017.

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PRESENTATION

Jameson Pickard, Planner, reviewed his comments dated September 21, 2016.

Planning Comments: The variance requested would provide relief from the maximum floor area and lot coverage requirements for an accessory structure on a residential lot. The applicant is proposing to construct a garage with a floor area of 93.6 m² (1,008 ft²), whereas the by-law allows a 92.9 m² (1,000 ft²) maximum. The new accessory structure would also result in lot coverage of 12.6 %, whereas the by-law only permits a maximum of 10% lot coverage for accessory buildings. All other zoning requirements appear to be met.

We have no concerns with the size of the proposed structure and are satisfied that the application maintains 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. In addition, the Committee should be satisfied that the proposed accessory building is intended for personal use and not for commercial purposes. A condition of this nature may be warranted.

SUBJECT PROPERTY AND LOCATION

The subject lands are described as Part Park Lot 9, with a civic address of 790 Waterloo. The subject land is approximately 8,000 ft² (743 m²)

PROPOSAL

The purpose of this application is to provide relief from the maximum floor area and height requirement for a proposed accessory structure. The maximum floor area of accessory structures shall not exceed 92.9 m² (1,000 ft²) and shall not exceed 10% in lot coverage. The applicant is requesting permission to construct a 92.9 m² (1,008 ft²) detached garage with a total accessory building lot coverage of 12.6%.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated RESIDNETIAL. 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 ZONING BY-LAW

The subject property is zoned Residential (R2). The applicants are proposing to construct a new garage with the following required variances:

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1. A total ground floor area of 93.6m² (1,008 ft²), whereas section 6.1.4 b) of the By-law permits a total maximum ground floor area of 92.9 m² (1,000 ft²) for a lot this size; and
2. A total accessory building lot coverage of 12.6%, whereas section 6.1.4 a) of the By-law permits a maximum total lot coverage of 10% for accessory buildings.

The proposed structure would meet all other height and building setbacks.

CORRESPONDENCE/COMMENTS RECEIVED

Michael Oberle, Environmental Planning Technician, SCVA
- See attached comments

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

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

No one present to make submissions in support of the proposed minor variance.

- Persons present to make oral and/or written submissions against the proposed minor variance.

No one present to make submissions against the proposed minor variance.

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments

The Committee of Adjustment of the Corporation of the Township of Wellington North considered all written and oral submissions received on this application, the effect of which has assisted the Committee to make an informed decision on this planning matter.

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RESOLUTION NUMBER CoA 2017-04

Moved by: Member McCabe

Seconded by: Member Hern

THAT the minor variance applied for in Application A03/17 to provide the following relief:

- 1. THAT a total ground floor area of 93.6m² (1,008 ft²) be permitted, whereas section 6.1.4 b) of the By-law permits a total maximum ground floor area of 92.9 m² (1,000 ft²) for a lot this size; and*
- 2. THAT a total accessory building lot coverage of 12.6% be permitted, whereas section 6.1.4 a) of the By-law permits a maximum total lot coverage of 10% for accessory buildings.*

be authorized with the following condition(s):

- That the proposed accessory building is intended for personal use and not for commercial purposes.*

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2017-05

Moved by: Member McCabe

Seconded by: Member Burke

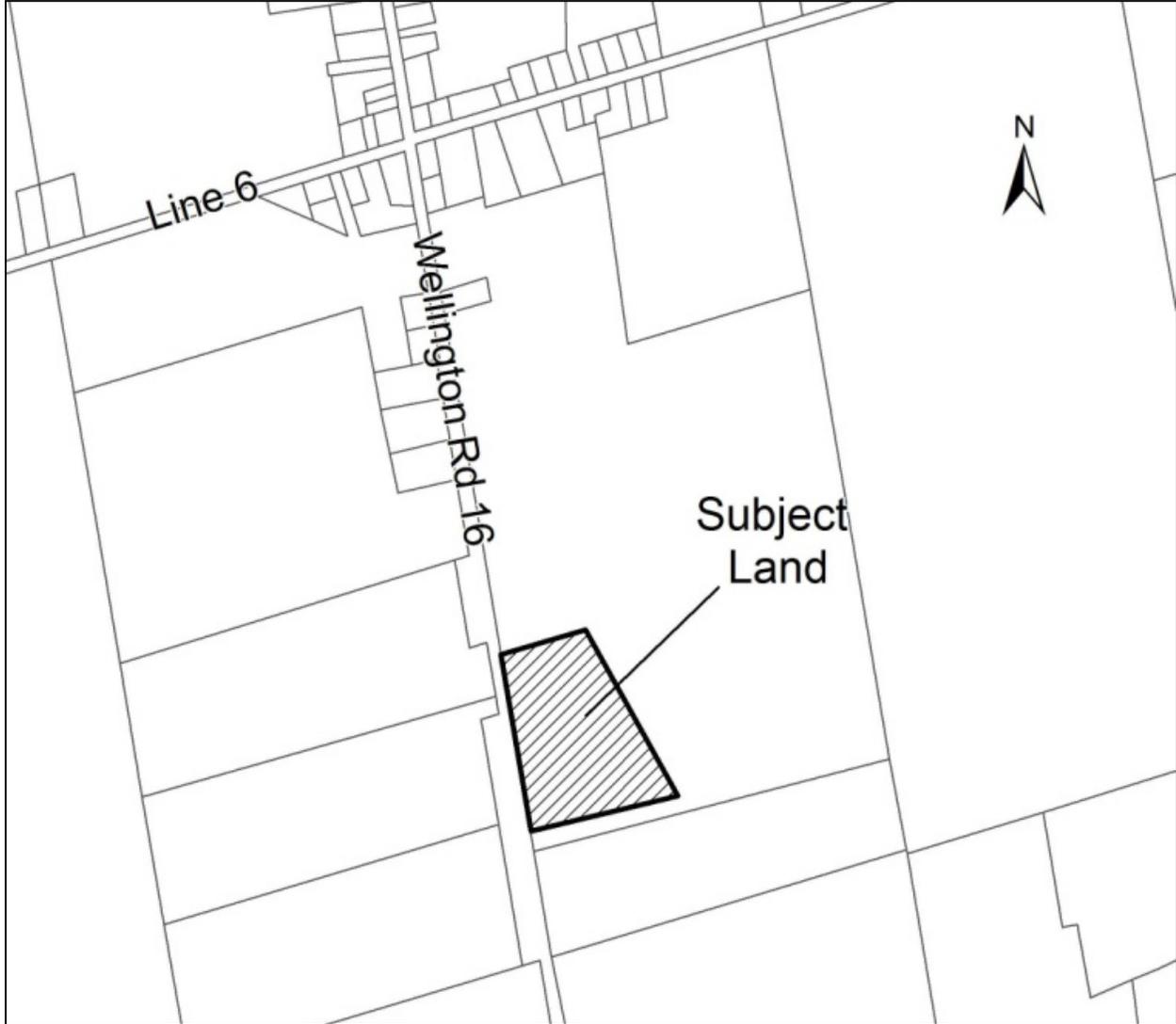
THAT the Committee of Adjustment meeting of April 10, 2017 be adjourned at 2:33 p.m.

CARRIED

Secretary Treasurer

Chairman

**Committee of Adjustment
April 24, 2017**



A04-17 Kathryn Giffen



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
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ADMINISTRATION CENTRE
74 WOOLWICH STREET
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April 19th, 2017

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

Dear Mr. Jones,

Re: **Minor Variance Application A4/17**
Lot 10, Concession 6
8853 Wellington Road 16
Kathryn Ann Giffen

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

Planning Comments: The variances requested would provide relief from the maximum floor area and height requirements for an accessory structure on a residential lot. The applicant is proposing to construct a new riding arena with a floor area of 792m² (2,594 sq ft) and a height of 6.75 m (22 ft).

We have no concerns with the size of the proposed structure and are satisfied that the application maintains 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.

SUBJECT PROPERTY AND LOCATION

The subject lands are described as Lot 10, Concession 6, Registered Plan 60R-1528, with a civic address of 8853 Wellington Road 16. The subject land is approximately 5.76 ha (14.23 acres).

PROPOSAL

The purpose of this application is to provide relief from the maximum floor area and height requirement for a proposed accessory structure. The maximum floor area of accessory structures on a lot of this size shall not exceed 213.67² (701 sq ft) and the maximum height shall not be higher than 4.5 m (14.8 ft). The applicant is requesting permission to construct a 792m² (2,594 sq ft) horse riding arena with a height of 6.75m (22 ft).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL. 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 ZONING BY-LAW

The subject property is zoned Agricultural (A). The applicants are proposing to construct a new riding arena with the following required variances:

1. A total ground floor area of 792m² (2,594 sq ft), whereas section 6.1.4 b) of the By-law permits a total maximum ground floor area of 213m² (701 sq ft) for a lot this size; and
2. An accessory building height of 6.75 m (22 ft), whereas section 6.1.3 permits a maximum height of 4.5m (14.8 ft).

The variances requested are minor and appropriate for the use of the lot. The height of the building is specific to its use as a riding arena and the property is lined by trees facing onto Wellington Road 16 to screen the new structure. The variances meet the general intent of the Official Plan and Zoning By-law.

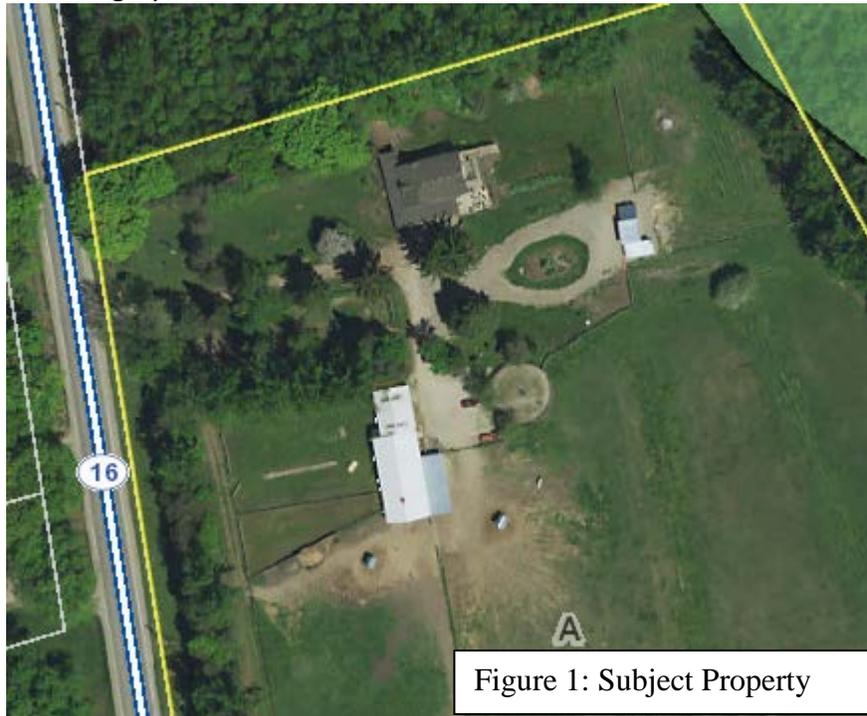


Figure 1: Subject Property

I trust that this information will be of assistance to Committee when making their decision on this application.



Elizabeth Martelluzzi, B.URPI
Junior Planner