

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
TUESDAY, MAY 22, 2018 – 7:00 P.M.
A10/18, A12/18 AND A13/18**

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

Members Present:

**Chairman: Andrew Lennox
Sherry Burke
Lisa Hern
Steve McCabe
Dan Yake**

Staff Present:

**CAO: Michael Givens
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Economic Development Officer: Dale Small
Chief Building Official: Darren Jones
Director of Finance: Adam McNabb
Director of Operations: Brent Lauber
Senior Planner: Curtis Marshall**

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 2018-17

Moved by: Member Yake

Seconded by: Member Hern

THAT the Committee of Adjustment meeting minutes of February 26, 2018 – A08/18 and A09/18 be adopted as presented.

CARRIED

APPLICATION A10/18

Owners/Applicant: Rita Klingenmaier

The location of the subject property is described as Part Lot 20, Concession 10 (geographic Township of Arthur), with a civic address of 8891 Concession 11. The subject land is approximately 0.9 ha (2.2 ac).

The purpose and effect of the application is to provide relief from the maximum floor area requirements for an accessory structure to recognize an existing 285 m² (3,067 ft²) drive shed on the subject lands. This relief is to satisfy a condition of consent application B170/17, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a 40.5 ha (100 ac) agricultural parcel and merge it with an abutting agricultural parcel. The retained parcel is 0.9 ha (2.2 ac) and contains the existing dwelling and drive shed.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and signage posted on the subject property on May 11, 2018 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed comments prepared by the County of Wellington Planning and Development Department, dated May 15, 2018.

The Committee was advised that these comments were formulated without the benefit of a site visit.

Planning Opinion: The variance requested is to provide relief for an increased floor area of an accessory structure on the property. The applicant is requesting permission to recognize the existing 285 m² (3067 ft²) drive shed, where the by-law permits a 102.2 m² (1,100 ft²) accessory structure on the proposed new lot size. This variance is a condition of consent application B170/17, that was granted provisional approval by the Wellington County Land Division Committee.

We 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.

If approved, the Committee may wish to apply conditions to address the following:

- 1. That the accessory structure cannot be used for business purposes or habitation.**

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Part Lot 20, Concession 10 (geographic Township of Arthur), with a civic address of 8891 Concession 11. The subject land is approximately 0.9 ha (2.2 acres). The location of the property is shown on Figure 1 below.

PROPOSAL

The purpose of this application is to provide relief for an increased floor area of an accessory structure on the property. The applicant is requesting permission to recognize the existing 285 m² (3067 ft²) drive shed. This variance is a condition of severance application B170/17, that was granted provisional approval by the Wellington County Land Division Committee. The Consent will sever a 40.5 ha (100 ac) agricultural parcel and merge it with an abutting agricultural parcel. The retained parcel is 0.9 ha (2.2 ac) and contains the existing dwelling and drive shed.

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 recognize the existing drive shed as a condition of consent application. The proposed retained lot is 0.9 ha (2.2 ac) which allows for a 112.2 m² (1,100 ft²) accessory building, where there is an existing 285 m² (3067 ft²) drive shed on the lot. The drive shed is set behind the main dwelling on the lot and is set back from neighboring properties in the area. There are trees along the edge of the building which screen it from the road.

The variance requested would provide relief from Section 6.1.4 b) of Zoning By-law 66-01 to allow for an increased ground floor area of 285 m² (3067 ft²) for an accessory structures, where the by-law permits 112.2 m² (1100 ft²) on a 0.9 ha (2.2 ac) lot.

Accessory Structure	Permitted	Proposed	Difference
Existing Accessory Structure Maximum Ground Floor Area (Section 6.1.4 b)	102.2 m ² (1100 ft ²)	285 m ² (3067 ft ²)	182.8 m ² (1967 ft ²)

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.

The applicant's agent, Hailey Keast, Van Harten Surveying, was present. She requested clarification on the suggested condition. Curtis Marshall, Senior Planner stated that the accessory structure is not to be used for commercial business.

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

No persons were present to make oral and/or written submissions against the proposed minor variance.

COMMENTS/QUESTIONS FROM THE COMMITTEE

There were no comments or questions from the Committee.

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 2018-1

Moved by: Member Hern

Seconded by: Member McCabe

THAT the minor variance applied for in Application A10/18, for the property described as Part Lot 20, Concession 10, Geographic Arthur Township (8891 Concession 11), to provide the following relief:

1. *THAT a ground floor area of 285 m² (3067 ft²) for accessory structures be permitted, whereas the by-law permits 112.2 m² (1100 ft²) on a 0.9 ha (2.2 ac) lot.*

be authorized.

CARRIED

APPLICATION A12/18

Owners/Applicant: William and Shirley Machan

The location of the subject property is described as Part Lot 6, Concession 12, Registered Plan No. 61R-21305 (geographic Township of Arthur), with a civic address of 6804 Sideroad 3 W. The subject land is approximately 0.99 ha (2.44 acres).

The purpose and effect of the application is to provide relief from the minimum lot area requirements for both the severed and retained parcel. This relief is to satisfy a condition of severance application B134/17, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a vacant 1.1 ac (0.4 ha) parcel from the retained 1.3 ac (0.42 ha) parcel which has an existing dwelling and accessory building.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and signage posted on the subject property on May 11, 2018 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed comments prepared by the County of Wellington Planning and Development Department, dated May 15, 2018.

The Committee was advised that these comments were formulated without the benefit of a site visit.

Planning Opinion: The variances being requested would provide relief from the minimum lot area requirements for both the severed and retained parcel. This relief is to satisfy a condition of severance application B134/17, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a vacant 0.45 ha (1.1 ac) parcel from the retained 0.52 ha (1.3 ac) parcel which has an existing dwelling and accessory building.

We 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 location of the subject property is described as Part Lot 6, Concession 12 (geographic Township of Arthur), with a civic address of 6804 Sideroad 3 W. The subject land is approximately 0.97 ha (2.4 ac). The location of the property is shown on Figure 1 below.

PROPOSAL

This proposal is to provide relief from the minimum lot area requirements for both the severed and retained parcel. This relief is to satisfy a condition of severance application B134/17, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a vacant 0.45 ha (1.1 ac) parcel from the retained 0.52 ha (1.3 ac) parcel which has an existing dwelling and accessory building.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated County Residential within the 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 ZONING BY-LAW

The subject property is zoned Estate Residential (ER) Zone. Section 14.2.1 of the by-law outlines minimum lot area requirements for Estate Residential zones. The applicants are proposing to sever the lot and create two undersized lots within the ER Zone. The new lot will maintain the minimum lot frontage requirements within the ER zone and the existing dwelling maintains the minimum setback and lot coverage requirements. A 1.0 acre parcels is large enough to accommodate appropriate well and septic for a single detached dwelling therefore we have no concerns with this reduced lot areas.

The variance requested would provide relief from Section 14.2.1 of Zoning By-law 66-01 to allow for a reduced minimum lot area for both the severed 0.45 ha (1.1 ac) and retained 0.52 ha (1.3 ac) parcel where the by-law requires 0.8 ha (2 ac) within the Estate Residential Zone.

	Required	Proposed	Difference
Minimum Lot Area (Retained) (Section 14.2.1)	0.8 ha (2 ac)	0.52 ha (1.3 ac)	0.28 ha (0.7 ac)
Minimum Lot Area (Severed) (Section 14.2.1)	0.8 ha (2 ac)	0.45 ha (1.1 ac)	0.35 ha (0.9 ac)

Mr. Marshall stated that he has spoken with the surveyor and confirmed that the severed lot will be .4 ha and the retained will be 6 ha.

CORRESPONDENCE/COMMENTS RECEIVED

Michael Oberle, Environmental Planning Technician, SVCA
- No objection.

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.

The applicant was not present to answer.

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

No persons were present to make oral and/or written submissions against the proposed minor variance.

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions from the Committee.

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 2018-19

Moved by: Member Burke

Seconded by: Member McCabe

THAT the minor variance applied for in Application A12/18, for property described as Part Lot 6, Concession 12, Geographic Arthur Township (6804 Sideroad 3 West) to provide the following relief:

1. *THAT a minimum lot area for the retained of 0.6 ha (1.48 ac) be permitted, whereas section 14.2.1 of the By-law requires 0.8 ha (2 ac).*
2. *THAT a minimum lot area for the severed of 0.4 ha (0.99 ac) be permitted, whereas section 14.2.1 of the By-law requires 0.8 ha (2 ac).*

be authorized.

CARRIED

APPLICATION A13/18

Owners/Applicant: Karl Aitken Carpentry & General Contracting Ltd.

The location of the subject property is described as Part Lot 7 & 8, Registered Plan No. 60R-20624 (geographic Town of Mount Forest), with a civic address of 330 Cork Street, Mount Forest. The subject land is approximately 2347 m² (0.58 acres).

The purpose and effect of the application is to provide relief from the minimum front yard and minimum interior side yard setback requirements to construct a semi-detached dwelling. The applicants are also requesting relief from the minimum setback requirements to a municipal drain for the semi-detached dwelling. Other variances may be considered where deemed appropriate.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and signage posted on the subject property on May 11, 2018 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed comments prepared by the County of Wellington Planning and Development Department, dated May 15, 2018.

The Committee was advised that these comments were formulated without the benefit of a site visit.

Planning Opinion The variance requested would provide relief from the minimum setback requirements to the top of bank of a watercourse that is not situated within the Natural Environment Zone. The applicant is proposing to construct a new semi-detached dwelling with a reduced setback of 10.4 m (34.1 ft) to the top of bank, where the required setback is 15 m (49.2 ft).

We 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 provided that Saugeen Valley Conservation Authority has no concerns with the request. The proposed semi-detached dwelling would be desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Part Lot 7 & 8, Registered Plan 60R-20624 (geographic Town of Mount Forest), with a civic address of 330 Cork Street. The subject land is approximately 2347 m² (0.58 ac). The location of the property is shown on Figure 1.

PROPOSAL

The purpose of this application is to provide relief from the minimum setback requirements to the top of bank of a watercourse that is not situated within the Natural Environment Zone.

WELLINGTON COUNTY OFFICAL PLAN

The subject property is designated RESIDENTIAL. 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 Medium Density Residential (R2), which permits semi-detached residential dwellings. The applicant is proposing to construct a semi-detached dwelling on the vacant parcel with a reduced setback to the top of bank of a watercourse. The 10.4 m should provide an adequate setback from the drainage channel. The committee should consider any applicable comment of the Saugeen Valley Conservation Authority.

The variance requested would provide relief from Section 6.20.2 c) of Zoning By-law 66-01 to construct a semi-detached dwelling with a reduce setback of 10.4 m (34.1 ft) to the top of bank of a watercourse not situated within the Natural Environment Zone where the by-law requires 15 m (49.2 ft).

Semi-Detached Dwelling	Required	Proposed	Difference
Municipal Drain and Watercourse Setbacks (Section 6.20.2 c)	15 m (49.2 ft)	10.4 m (34.1 ft)	4.6 m (15.1 ft)

CORRESPONDENCE/COMMENTS RECEIVED

Emily Vandermeulen, Risk Management Inspector/Source Protection Coordinator, Wellington Source Water Protection

- No comment

Jim Klujber, Chief Operating Officer, Wellington North Power Inc.

- Applicant to contact Wellington North Power Inc. prior to completion of site plans to request electrical service requirements

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.

Karl and Joanne Aitken, the applicants, were present to answer any questions regarding their application.

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

No persons were present to make oral and/or written submissions against the proposed minor variance.

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions from the Committee.

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 2018-20

Moved by: Member McCabe

Seconded by: Member Burke

THAT the minor variance applied for in Application A13/18 for property described as Part Lot 7 & 8, Plan 60R-20624, Geographic Town of Mount Forest (330 Cork Street) to provide the following relief:

1. *THAT a minimum setback to the top of bank of a watercourse of 10.4 m (34.1 ft) be permitted, whereas section 6.20.2.(c) of the By-law requires 15 m (49.2 ft).*
2. *THAT a minimum front yard setback of 6 m (19.7 ft) be permitted, whereas section 12.2.2.5 of the By-law requires 7.6 m (24.9 ft).*
3. *THAT a minimum interior side yard setback of 1.2 m (3.9 ft) be permitted, whereas section 12.2.2.6 of the By-law requires 1.8 m (5.9 ft) for a residential dwelling of more than one storey.*

be authorized.

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2018-21

Moved by: Member Hern

Seconded by: Member Yake

THAT the Committee of Adjustment meeting of May 22, 2018 be adjourned at 7:50 p.m.

CARRIED

Secretary Treasurer

Chair