

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, JUNE 25, 2018 – 7:00 P.M.  
A11/18 AND A14/18**

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

**Members Present:**

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

**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 2018-22**

**Moved by: Member McCabe**

**Seconded by: Member Yake**

*THAT the Committee of Adjustment meeting minutes of May 22, 2018 – A10/18, A12/18 and A13/18 be adopted as presented.*

**CARRIED**

**APPLICATION A11/18**

**Owners/Applicant: Gary and Helana MacDonald**

**The location of the subject property** is described as Pt Lot 11, Concession EOSR, Div 2 & 3, RP 60R-2165, Plan 417, BLK 17 (geographic Township of Arthur), with a civic address of 9511 Maas Park Drive. The subject land is approximately 0.44 ha (1.11 acres).

**The purpose and effect** of the application is to provide relief from the maximum height and floor area requirements and the minimum front yard and interior side yard setback requirements for a proposed accessory structure on the subject land. 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 was posted on the subject property on June 14th 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 June 19, 2018.

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

**Planning Opinion:** The variance requested is to provide relief from the maximum height, floor area, and minimum front yard setback requirements for a proposed accessory structure on the subject land. The applicants are requesting to construct a 223 m<sup>2</sup> (2400 ft<sup>2</sup>) accessory structure with a height of 5.6 m (18.375 ft) and to be located 3m (10 ft) from the front yard lot line. The current zoning provisions permit a 92.9 m<sup>2</sup> (1000 ft<sup>2</sup>) accessory structure with a maximum height of 4.5m (14.8 ft) and a minimum front yard setback of 18.3 m (60 ft).

It is Planning Staff's opinion that the proposed garage is too large in size, too high, and too close to the front lot line on the property. We note that Council has recently approved a zoning by-law amendment (pending house-keeping amendment) which doubled the permitted accessory building size to 185 m<sup>2</sup> (2000 ft<sup>2</sup>) on a 0.4 ha (1 ac) lot which would be a more appropriate size for the lot. There also appears to be additional room available to move the proposed building further back from the road. The requested increase to height is not significant in itself, but when combined with the larger building size and the close proximity to the road is not appropriate for, and compatible with the neighbourhood.

Consideration could be given to reduce the proposed size and height of the garage in order for it to be more appropriately sized on the lot and for the neighbourhood.

The Committee should be satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is desirable and appropriate for the development of the subject property and is minor. In addition, the Committee should be satisfied that the proposed accessory building is intended for personal use and not for commercial purposes. Planning Staff

recommend that the Committee apply the following condition if the application is approved:

1. That the accessory structure cannot be used for commercial/industrial business purposes or habitation.

### **SUBJECT PROPERTY AND LOCATION**

The location of the subject property is described as Part Lot 11, Concession EOSR, Div 2 & 3, RP 60R-2165, Plan 417, BLK 17 (geographic Township of Arthur), with a civic address of 9511 Maas Park Drive. The subject land is approximately 0.44 ha (1.1 acres).

### **PROPOSAL**

The variance requested is to provide relief from the maximum height, floor area, and minimum front yard setback requirements for a proposed accessory structure on the subject land. The applicants are requesting to construct a 223 m<sup>2</sup> (2400 ft<sup>2</sup>) accessory structure with a height of 5.6 m (18.375 ft) and to be located 3m (10 ft) from the front yard lot line. The current zoning provisions permit a 92.9 m<sup>2</sup> (1000 ft<sup>2</sup>) accessory structure with a maximum height of 4.5m (14.8 ft) and a minimum front yard setback of 18.3 m (60 ft).

### **WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated COUNTRY 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 Unserviced Residential with a site specific (R1A-8). The applicants are proposing to construct an accessory structure with an increased ground floor area, height and a reduced front yard setback.

The variance requested would provide relief from the following:

Section 6.1.4 b) of Zoning By-law 66-01 to allow for an increased ground floor area of 223 m<sup>2</sup> (2400 ft<sup>2</sup>) for an accessory structures, where the by-law permits 92.9 m<sup>2</sup> (100 ft<sup>2</sup>) on a 0.4 ha (1 ac) lot.

Section 6.1.3 of Zoning By-law 66-01 to allow for an increased building height of 5.6 m (18.375 ft) for an accessory structure, where the by-law permits 4.5 m (14.8 ft).

Section 6.1.2 c) of Zoning By-law 66-01 to allow for a reduced front yard setback of 3 m (10 ft) for the accessory structure, where the by-law permits 18.3 m (60 ft).

<b>Accessory Structure</b>	<b>Permitted</b>	<b>Proposed</b>	<b>Difference</b>
<b>Maximum Ground Floor Area</b> (Section 6.1.4 b)	92.9 m <sup>2</sup> (1000 ft <sup>2</sup> )	223 m <sup>2</sup> (2400 ft <sup>2</sup> )	130.1 m <sup>2</sup> (1400 ft <sup>2</sup> )
<b>Maximum Building Height</b> (Section 6.1.3)	4.5 m (14.8 ft)	5.6 m (18.375 ft)	1.1 m (3.575 ft)
<b>Minimum Front Yard Setback</b> (Section 6.1.2 c)	18.3 m (60 ft)	3 m (10 ft)	15.3 m (50 ft)

**PLANNING DISCUSSION**

The Township Zoning By-law house-keeping amendment was recently approved by Council and is still in the appeal period. Staff have reviewed this application while taking into consideration both the old by-law requirements and the new requirements that were recently approved and are pending. The applicants have indicated that the septic system location has restricted the accessory building location to the west of the house, and that there is limited room in front of the house to move it back from the front lot line. The applicants have also indicated that the increased size and height is needed to provide storage for their larger F350 truck and lawnmowers.

The applicant has requested an increased ground floor area of 223 m<sup>2</sup> (2400 ft<sup>2</sup>), where the new by-law has increased the permitted ground floor area to 185 m<sup>2</sup> (2000 ft<sup>2</sup>) for a 0.4 ha (1 ac) parcel.

The applicant has also requested a reduced front yard setback of 3 m (10 ft). The subject property has a site-specific zoning which has established a front yard setback to 18.3 m (60 ft) for the Maas Park Drive subdivision, where 9 m (29.5 ft) is normally permitted in an Unserviced Residential (R1A) Zone. As part of the housekeeping amendment, the accessory building standards were updated to require that all accessory buildings be located to the rear of dwellings in the R1A zone. Presently, accessory buildings are permitted in front of main dwellings as long as the minimum front yard setback is maintained. In the air photo provided above (Figure 1), Planning Staff have labelled a 185 m<sup>2</sup> (2000 ft<sup>2</sup>) building in blue approximately 9 m (29.5 ft) from the road as an example of a more appropriately sized and located building for Council’s consideration.

In terms of height, the requested increase is not significant in itself, but when combined with the larger building size and the close proximity to the road is not appropriate for, and compatible with the neighbourhood.

**CORRESPONDENCE/COMMENTS RECEIVED**

Michael Oberle, Environmental Planning Technician, Saugeen Valley Conservation Authority  
 - Proposed Minor Variance is acceptable

## **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 applicants were present to answer any questions regarding their application. The applicants confirmed that they intend to use the building to store equipment and trailers. The excavator is too tall for a regular building. There is no room in the backyard and setting it back 60 feet would make it inaccessible. Placing it in front will make it simple to get vehicles in and out.

- 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**

Steve McCabe asked for clarification on the size of the building. Mr. Marshall confirmed that 2,000 sq.ft. would be in keeping with the new by-law.

Lisa Hern asked if the intent is to remove the shipping containers. Mr. MacDonald stated he would move them if necessary.

Andy Lennox commented that the 60 foot set back from the street is to not obscure from the neighbouring homes as housing is the primary use. With a 10 ft setback the building would be an imposing feature on the landscape in a residential area.

Dan Yake stated he would be okay with a 20 to 25 ft set back.

Sherry Burke questioned if the storage containers were removed would it be possible to move the building further back. Mr. MacDonald stated that the containers are 20 feet long. Removing them would not make it possible to build further back.

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 2018-23**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the minor variance applied for in Application A11/18, for the property described as Part Lot 11, EOSR, Division 2 & 3, RP 60R-2165, Geographic Arthur Township (9511 Maas Park Drive), to provide the following relief:*

1. *THAT an increased ground floor area of 185.8 m<sup>2</sup> (2,000 ft<sup>2</sup>) for an accessory structure be permitted, whereas Section 6.1.4 b) of Zoning By-law 66-01 permits 92.9 m<sup>2</sup> (100 ft<sup>2</sup>) on a 0.4 ha (1 ac) lot.*
2. *THAT an increased building height of 5.6 m (18.375 ft) for an accessory structure be permitted, whereas Section 6.1.3 of Zoning By-law 66-01 permits 4.5 m (14.8 ft).*
3. *THAT a reduced front yard setback of 3 m (10 ft) for an accessory structure be permitted, whereas Section 6.1.2 c) of Zoning By-law 66-01 permits 18.3 m (60 ft).*

*be authorized with the following condition(s):*

- *That the accessory structure not be used for commercial/industrial business purposes or habitation.*

**AMENDMENT TO MOTION CoA 2018-23**

Moved by: Member McCabe

Seconded by: Member Burke

*THAT the Committee of Adjustment of the Township of Wellington North amend resolution CoA 2018-23 to increase the proposed front yard set back from 3m (10ft) to 6m (20ft).*

**CARRIED**

**RESOLUTION NUMBER CoA 2018-23**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the minor variance applied for in Application A11/18, for the property described as Part Lot 11, EOSR, Division 2 & 3, RP 60R-2165, Geographic Arthur Township (9511 Maas Park Drive), to provide the following relief:*

4. *THAT an increased ground floor area of 185.8 m<sup>2</sup> (2,000 ft<sup>2</sup>) for an accessory structure be permitted, whereas Section 6.1.4 b) of Zoning By-law 66-01 permits 92.9 m<sup>2</sup> (100 ft<sup>2</sup>) on a 0.4 ha (1 ac) lot.*
5. *THAT an increased building height of 5.6 m (18.375 ft) for an accessory structure be permitted, whereas Section 6.1.3 of Zoning By-law 66-01 permits 4.5 m (14.8 ft).*
6. *THAT a reduced front yard setback of 6 m (20 ft) for an accessory structure be permitted, whereas Section 6.1.2 c) of Zoning By-law 66-01 permits 18.3 m (60 ft).*

*be authorized with the following condition(s):*

- *That the accessory structure not be used for commercial/industrial business purposes or habitation.*

**CARRIED**

**RESOLUTION NUMBER CoA 2018-24**

Moved by: Member Hern

Seconded by: Member Yake

*THAT the Committee of Adjustment of the Township of Wellington North amend resolution CoA 2018-23 to decrease the maximum height from 5.6m (18.375 ft) to 4.9m (16ft).*

**DEFEATED**

**APPLICATION A14/18**

**Owners/Applicant:** Dale and Angela Eccles

**The location of the subject property** is described as Pt Lot 3, geographic Town of Mount Forest, with a civic address of 170 Miller Street, Mount Forest. The subject land is approximately 1,300 m<sup>2</sup> (0.32 acres).

**The purpose and effect** of the application is to provide relief from the minimum rear yard setback requirements for future dwellings on the proposed retained parcel (new semi-detached dwellings) and the proposed severed parcel (new single 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 June 14, 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 February 20, 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 rear yard setback requirements for future semi-detached dwellings on the proposed severed parcel and proposed single detached dwelling on the retained parcel. The applicant is proposing to construct new single detached dwelling with a reduced rear yard setback of 6.6 m (21.6 ft) and new semi-detached dwelling (2 units) with a reduced rear yard setback of 6.22 m (20.4 ft), where the required setback is 7.5 m (24.6 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. The proposed single detached and 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 3 (geographic Town of Mount Forest), with a civic address of 170 Miller Street. The subject land is approximately 1,300 m<sup>2</sup> (0.32 ac).

## **PROPOSAL**

The purpose of this application is to provide relief from the minimum rear yard setback requirements for future dwellings on the proposed retained parcel (new single detached dwellings) and the proposed severed parcel (new semi-detached dwelling).

## **WELLINGTON COUNTY OFFICIAL 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 single detached and semi-detached residential dwellings. The applicants are proposing to construct a single detached dwelling on the vacant retained parcel with a reduced rear yard setback of 6.6 m (21.6 ft) and construct semi-detached dwelling (2 units) on the severed parcel with a reduced rear yard setback of 6.22 m (20.4 ft).

Consent application B36/18 was conditionally approved on May 10, 2018 to sever the lot in two. (See Figure 2) The consent application demonstrated zoning compliance if the existing dwelling is demolished. The applicant has indicated that they plan to build a single detached dwelling on the vacant retained parcel and once that is complete demolish the existing dwelling and build a semi-detached dwelling on the severed parcel. This application is not a condition of consent application B36/18, but has been requested by the applicant to facilitate future building permit.

The variance requested would provide relief from Section 12.2.1.6 of Zoning By-law 66-01 to construct a single detached dwelling with a reduce rear yard setback of 6.6 m (21.6 ft) where the by-law requires 7.6 m (24.9 ft), and relief from Section 12.2.2.8 of Zoning By-law 66-01 to construct semi-detached dwelling (2 units) with a reduced rear yard setback of 6.22 m (20.4 ft) where the by-law requires 7.6 m (24.9 ft).

	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Single Detached Dwelling Rear Yard Setbacks</b> (Section 12.2.1.6)	7.6 m (24.9 ft)	6.6 m (21.6 ft)	1 m (3.3 ft)
<b>Semi-Detached Dwelling Rear Yard Setback</b> (Section 12.2.2.8)	7.6 m (24.9 ft)	6.22 m (20.4 ft)	1.38 m (4.5 ft)

### **CORRESPONDENCE/COMMENTS RECEIVED**

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

- Property is located in the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan area and is municipally serviced (water and sewer) and does not require a Section 59 notice under the Clean Water Act

Michael Oberle, Environmental Planning Technician, Saugeen Valley Conservation Authority

- Proposed Minor Variance is acceptable. Comments previously provided to the County of Wellington, March 14, 2018, regarding the associated application for consent B36/18.

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.

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**

Dan Yake asked for confirmation that two new services will be required off of Miller Street. It was confirmed that two new services will be required. There will be an easement on the east side of the property.

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 2018-25**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the minor variance applied for in Application A14/18, for the property described as Part Lot 3, Geographic Town of Mount Forest (170 Miller Street), to provide the following relief:*

- 1. THAT a rear yard setback of 6.0 m (19.7 ft) be permitted for the retained parcel, whereas Section 12.2.1.6 of Zoning By-law 66-01 requires 7.6 m (24.9 ft);*
- 2. THAT a rear yard setback of 6.0 m (19.7 ft) be permitted for the severed parcel whereas Section 12.2.2.8 of Zoning By-law 66-01 requires 7.6 m (24.9 ft).*

*be authorized.*

**CARRIED**

**ADJOURNMENT**

**RESOLUTION NUMBER CoA 2018-26**

Moved by: Member McCabe

Seconded by: Member Yake

*THAT the Committee of Adjustment meeting of June 25, 2018 be adjourned at 8:34 p.m.*

**CARRIED**

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Secretary Treasurer

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Chair