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Committee of Adjustment

Monday, June 20, 2016

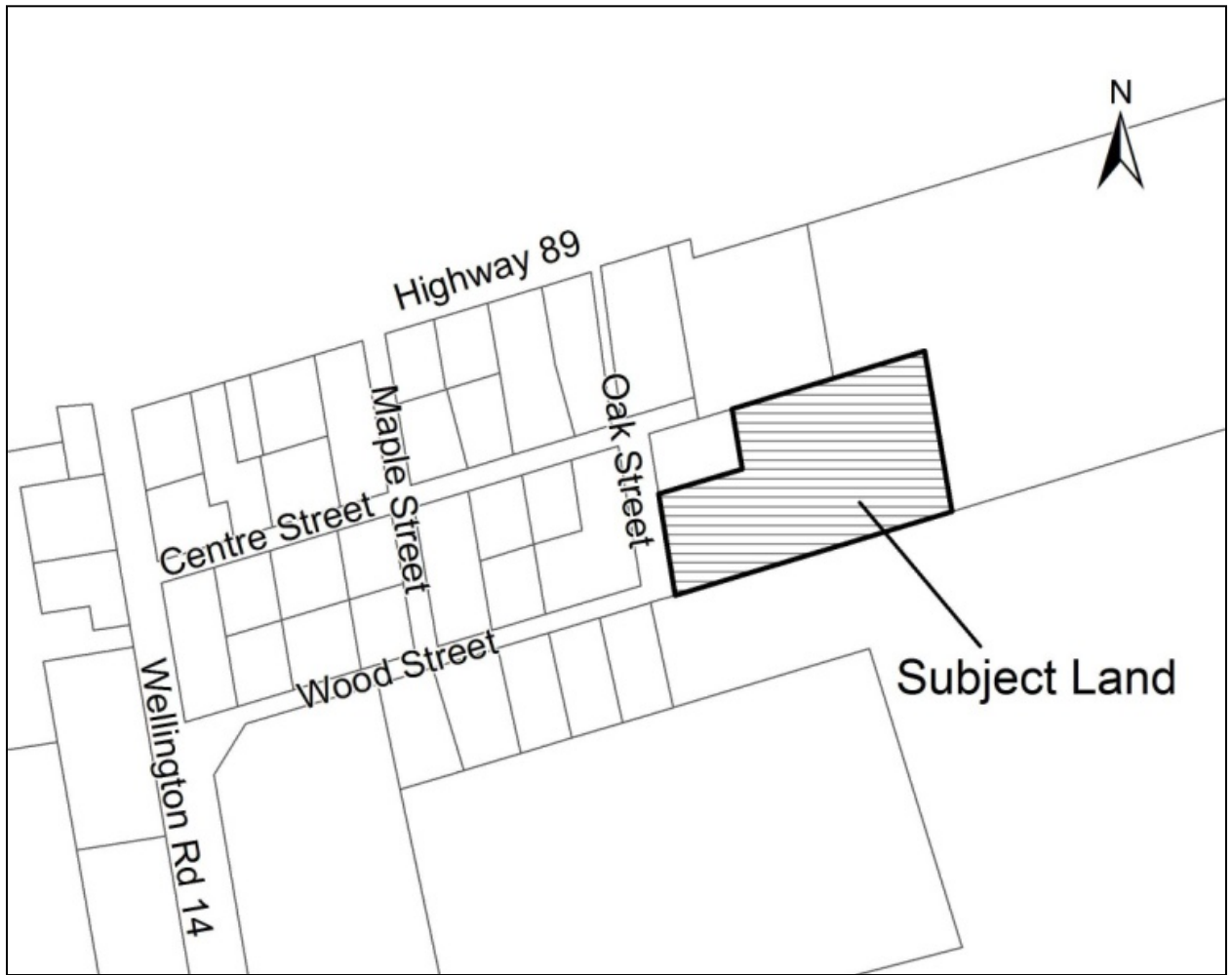
7:00 p.m.

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, June 6, 2016 (A04-16)	1
<u>APPLICATION A05-16</u>	
<u>OWNERS/APPLICANT</u> - Lynda and Mark Gibson	
<u>LOCATION OF THE SUBJECT LAND</u> The location of the subject property is described as Part Lot 1, Concession 14 (West Luther), with a civic address of 25 Oak Street (Conn). The subject land is approximately 0.8 ha (2 acres). The location of the property is shown on the map attached.	5

AGENDA ITEM	PAGE NO.
<u>PURPOSE AND EFFECT OF THE APPLICATION</u>	
<p>The purpose and effect of the application is to provide relief from the maximum floor area and height for a proposed accessory structure. The maximum floor area of accessory structures on the subject land shall not exceed 102.1 m² (1100 ft²) and the height shall not exceed 4.5 m (14.8 ft). The applicant is requesting permission to construct a 111 m² (1200 ft²) detached garage with a height of 5.18 m (17 ft.) for personal storage use.</p>	
<u>SECRETARY TREASURER</u>	
<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 June 10th, 2016.</p>	
<u>PRESENTATIONS</u>	
<p>None.</p>	
<u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u>	
<p>Elizabeth Martelluzzi, Junior Planner</p> <ul style="list-style-type: none"> - No concerns with the relief being requested at this time. 	6
<p>Michael Oberle, Saugeen Valley Conservation Authority</p> <ul style="list-style-type: none"> - No concerns 	8
<u>REQUEST FOR NOTICE OF DECISION</u>	
<p>Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p>	
<u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u>	
<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>	
<u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u>	
<u>ADJOURNMENT</u>	



A05-16 Lynda and Mark Gibson

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JUNE 6, 2016 – 7:00 P.M.
A04/16**

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

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

Absent: Dan Yake

**Also Present: Secretary-Treasurer/Clerk: Karren Wallace
Chief Administrative Officer: Michael Givens
Executive Assistant: Cathy Conrad
Chief Building Official: Darren Jones
Director of Public Works: Matthew Aston
Treasurer: Kimberly Henderson
Economic Development Officer: Dale Small
Tourism, Marketing, Promotion Manager: April Marshall
Senior Planner: Linda Redmond**

THE CHAIRMAN CALLED THE MEETING TO ORDER

**DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE
THEREOF**

No pecuniary interest reported.

RESOLUTION NUMBER CoA 2016-10

Moved by: Member Hern

Seconded by: Member McCabe

THAT the agenda for the June 6, 2015 Committee of Adjustment meeting be accepted and passed.

CARRIED

MINUTES OF PREVIOUS MEETING(S)

RESOLUTION NUMBER CoA 2016-11

Moved by: Member McCabe

Seconded by: Member Hern

THAT the Committee of Adjustment meeting minutes of April 4, 2016 – A02/16 and A03-16 be adopted as presented.

CARRIED

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JUNE 6, 2016 – 7:00 P.M.
A04/16**

APPLICATION A04/16

Owners/Applicant: Ashley and Colin Weatherall

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 1, Concession 11 (West Luther), with a civic address of 8026 Line 10. The subject land is approximately 0.51 ha (1.25 acres).

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the maximum floor area for a proposed accessory structure. The maximum floor area of accessory structures on the subject land shall not exceed 95.2 m² (1025 ft²). The applicant is requesting permission to construct a 126 m² (1360 ft²) detached garage with a height of 7.01 m (23 ft.) for personal storage use.

Notice of this meeting was mailed to property owners within 60 m of the subject property and applicable agencies on May 26, 2016, as well as posted on the property, pursuant to the legislation.

PRESENTATION

Linda Redmond, Senior Planner, reviewed comments dated May 30, 2016 provided by Elizabeth Martelluzzi.

Planning Opinion: The variance requested would provide relief from Section 6.1.4(b) of the Zoning By-law, to allow an additional 31.1m² (335 ft²) in floor area. The maximum floor area allowed for an accessory building is 95.2m² (1025 ft²), and the applicant has proposed a floor area of 126.3m² (1360 ft²).

The Planning Department had no concerns with the relief requested at this time. The accessory building size would not negatively impact neighbouring properties and remains incidental to the main use of the site, which is a single detached dwelling. This application is considered minor and would maintain the general intent and purpose of the Official Plan and Zoning By-law. It is desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The property is described as Part Lot 1, Concession 11, (West Luther) with a civic address of 8026 Line 10. The subject land is approximately 0.11 ha (1.25 acres) and has an existing single detached dwelling.

PROPOSAL

The purpose of this application is to provide relief from the maximum floor area for a proposed accessory structure. The maximum floor area of accessory structures on the subject land shall not exceed 95.2m². The applicant is

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JUNE 6, 2016 – 7:00 P.M.
A04/16**

requesting permission to construct a 126.3m² detached garage with a height of 7.01m for personal storage use.

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. Section 6.4.3 permits accessory residential uses in Prime Agricultural Areas.

The current proposal maintains the intent of the Official Plan.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is currently zoned Agricultural (A) which permits an accessory use, building or structure. The lot is subject to the reduced lot regulations in the agricultural zone because it is less than 10.1 hectares in size.

Accessory buildings on reduced lots are subject to section 6.1.4 (b), which allows a maximum floor area of 92.9m² on a 0.11 Hectare site. The applicant has proposed an accessory building with a floor area of 126.3 m², therefore requiring relief of 31.1m².

The intent of the zoning by-law is to allow a smaller lot to accommodate an accessory building which remains incidental, subordinate and exclusively devoted to the main use. The proposal maintains the intent of the zoning by-law.

The proposed accessory building is appropriately located on the site, towards the rear of the property. The size is large enough to serve a rural residential lot and would not impact neighbouring properties in a negative way. The minor variance is typical and appropriate for properties of this nature.

CORRESPONDENCE/COMMENTS RECEIVED

Michael Oberle, Environmental Planning Technician, SVCA
- 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.

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JUNE 6, 2016 – 7:00 P.M.
A04/16**

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

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

No one was present to make oral and/or written submissions against the proposed minor variance

COMMENTS/QUESTIONS FROM THE COMMITTEE

The Committee had no comments or questions

RESOLUTION NUMBER CoA 2016-12

Moved by: Member Hern

Seconded by: Member McCabe

THAT the minor variance applied for in Application A04/16 to provide relief from the maximum floor area for a proposed accessory structure as the maximum floor area of accessory structures on the subject land shall not exceed 95.2 m² (1025 ft²) and permission is being requested to construct a 126 m² (1360 ft²) detached garage with a height of 7.01 m (23 ft.) for personal storage use be authorized.

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2016-13

Moved by: Member Hern

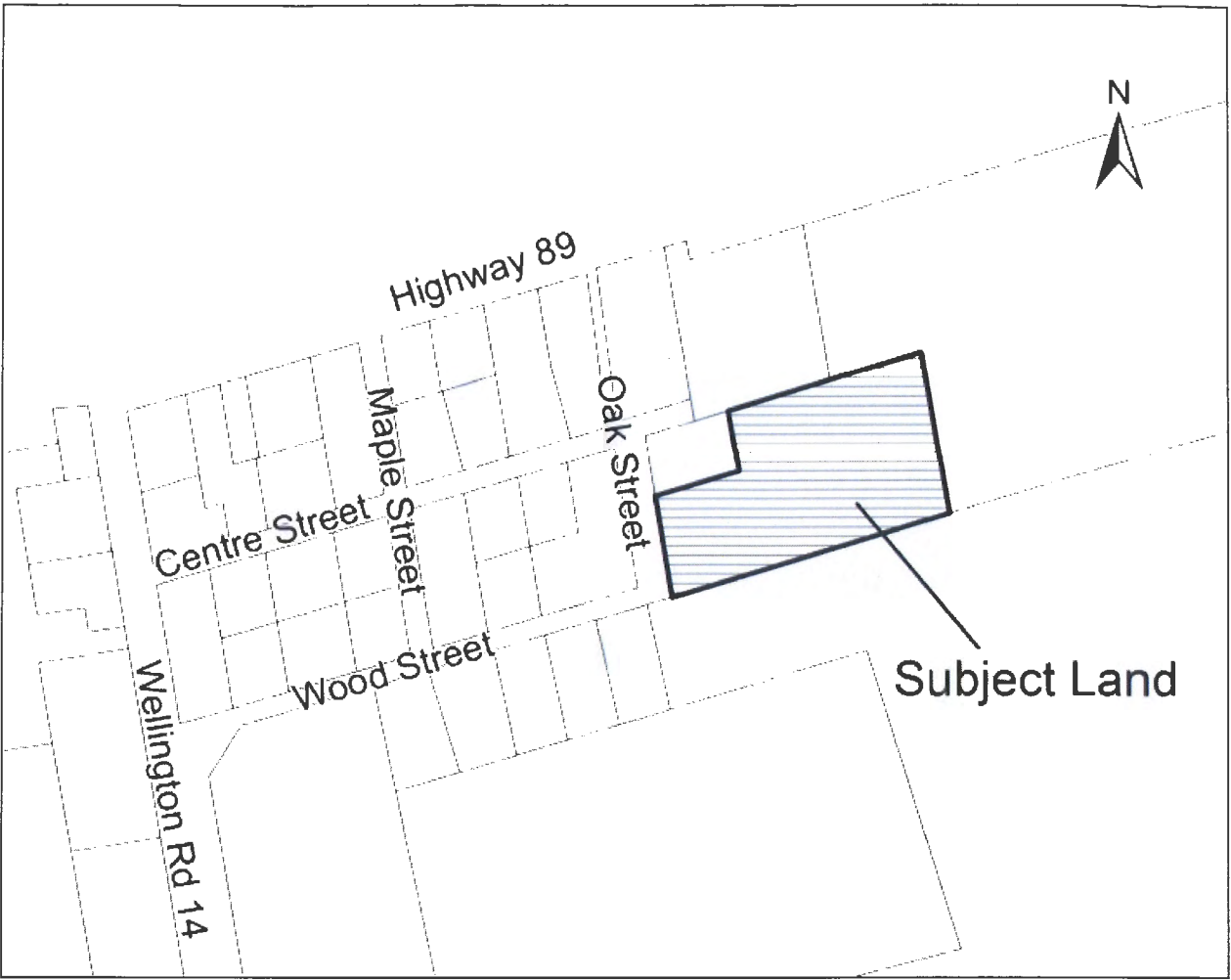
Seconded by: Member McCabe

THAT the Committee of Adjustment meeting of June 6, 2016 be adjourned at 7:05 p.m.

CARRIED

Secretary Treasurer

Chairman



A05-16 Lynda and Mark Gibson



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
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1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

June 15, 2016

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 A05/16**
25 Oak Street
Gibson

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

Planning Opinion: There are two minor variances requested for one proposed accessory structure, a 111m² (1200ft²) detached garage for personal storage use on the subject property. The applicant is requesting relief from maximum building height and maximum lot coverage as per Section 6.1, Accessory Structures, in the Zoning By-law.

We have no concerns with the relief requested at this time. The accessory building size would not negatively impact neighbouring properties and remains incidental to the main use of the site, which is a single detached dwelling. This application is considered minor and would maintain the general intent and purpose of the Official Plan and Zoning By-law. It is desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The property is described as Part Lot 1, Concession 14, with a civic address of 25 Oak Street, Conn. The subject land is approximately 0.8 ha (2 acres) and has an existing single detached dwelling.

PROPOSAL

The applicant is requesting two minor variances for a proposed accessory structure on the subject property, a 111m² (1200ft²) detached garage for personal storage use.

The applicant is requesting relief from Section 6.1.3 of the Zoning By-law, to allow an additional 0.68m (2.2ft) in height. The maximum height permitted for an accessory building is 4.5m (14.7ft), and the applicant has proposed a height of 5.18m (17ft).

The applicant is also requesting relief from Section 6.1.4(b) of the Zoning By-law, to allow an additional 8.9m² (29ft²) in floor area. The maximum floor area permitted for an accessory building on this lot is 102.1m² (1100ft²), whereas the applicant has proposed a floor area of 111m² (1200ft²).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated HAMLET, in Conn. Section 6.4.3 permits accessory residential uses in Prime Agricultural Areas. 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.

The current proposal maintains the intent of the Official Plan.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

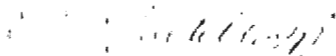
The subject property is currently zoned Unserviced Residential (R1A) which permits an accessory building or structure.

Accessory buildings in the R1A zone are subject to general provision 6.1, Accessory Uses. The applicant has requested relief from maximum height under Section 6.1.3 and relief from maximum lot coverage under Section 6.1.4 (b). These sections serve to ensure that accessory structures remain incidental and subordinate to the main use, and are appropriate development for the lot.

The proposed accessory building is appropriately located on the site, towards the rear of the property. It is not likely that the extra lot coverage or height would negatively impact neighbouring properties.

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

Yours truly,



Elizabeth Martelluzzi
Junior Planner



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SENT ELECTRONICALLY ONLY (*township@wellington-north.com*)

June 15, 2016

Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, Ontario
N0G 2E0

ATTENTION: Darren Jones, CBO

Dear Mr. Jones,

RE: Proposed Minor Variance A5/16
25 Oak Street Conn
Roll No. 234900001610300
Part Lot 1 Concession 14
Geographic Township of West Luther
Township of Wellington North (Mark Gibson, owner)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this proposal in accordance with the SVCA's mandate and policies. According to The Township of Wellington North Committee of Adjustment Notice of Hearing of Application for Minor Variance, the purpose and effect of the application is to provide relief from the maximum floor area and height for a proposed accessory structure. The proposed Minor Variance is acceptable to Authority staff, and the following comments are offered.

Natural Hazards / Natural Heritage

In the opinion of SVCA staff, there are no natural hazards or significant natural heritage features on or adjacent to the lands subject to this proposed Minor Variance.

In the opinion of SVCA staff, the subject property is not zoned Natural Environment (NE) in the Township of Wellington North Zoning By-law 66-01.

SVCA Regulation

The lands subject to this proposed Minor Variance are not subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended).



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Township of Wellington North
A5/16 (Mark Gibson, owner)
June 15, 2016
Page 2 of 2

An SVCA Permit will not be required for the construction of the proposed accessory structure on the subject property.

All of the plan review functions have been assessed with respect to this proposal. The Authority is of the opinion that the proposed Minor Variance appears to conform to the relevant policies of the Wellington County Official Plan, and Provincial Policies.

We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation

MO\

cc: Karen Wallace, Clerk, Township of Wellington North (via email)
Darren Jones, CBO, Township of Wellington North (via email)
Steve McCabe, Authority Member, SVCA (via email)
Stephen O'Donnell, agent (via fax: 519-848-3062)