



Township of Wellington North

P.O. Box 125 • 7490 Sideroad 7 W • Kenilworth • ON • N0G 2E0

Committee of Adjustment

Monday, July 13, 2015 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

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AGENDA ITEM	PAGE NO.
Chairman	
1. Officially open the public meeting.	
2. Declaration of Pecuniary Interest and General Nature Thereof	
3. <u>CLOSED MEETING SESSION</u> <i>Municipal Act, 2001</i> Section 239 (2) e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board	
4. Minutes, June 22, 2015 a. A01/15 (Jason Oakes Minor Variance) b. A08/15 (Bradley and Judith Reist)	01
5. Committee of Adjustment Secretary Report CoA2015-001 being a report on the process for correcting an administrative error on the Notice of Decision for application A01/15 (Jason Oakes) dated 22 nd June, 2015	05
6. Adjournment	

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JUNE 22, 2015 – 7:00 P.M.
A01/15 AND A08/15**

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

**Members Present: Chairman: Andy Lennox
Sherry Burke
Mark Goetz
Steve McCabe
Dan Yake**

**Also Present: Secretary-Treasurer/Clerk: Karren Wallace
CAO: Michael Givens
Executive Assistant: Cathy Conrad
Treasurer: Paul Dowber
Director of Public Works: Matthew Aston
Senior Planner: Linda Redmond
Fire Chief: Dave Guilbault**

THE CHAIRMAN CALLED THE MEETING TO ORDER

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

No pecuniary interest reported.

RESOLUTION NUMBER CoA 2015-023

Moved by: Councillor Goetz

Seconded by: Councillor Burke

THAT the agenda for the June 22, 2015 Committee of Adjustment meeting be accepted and passed.

CARRIED

MINUTES

RESOLUTION NUMBER CoA 2015-024

Moved by: Councillor Burke

Seconded by: Councillor Goetz

THAT the Committee of Adjustment meeting minutes of June 8, 2015 – A09/15 be adopted as presented.

CARRIED

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JUNE 22, 2015 – 7:00 P.M.
A01/15 AND A08/15**

As per Committee direction the informal meeting has been held and the applicant would now like to proceed with his minor variance.

CORRESPONDENCE/COMMENTS RECEIVED (January 26, 2015 meeting)

- Jameson Pickard, Junior Planner, County of Wellington, dated January 21, 2015
- Valerie Lamont, Environmental Planning Technician (Acting), SVCA, dated January 21, 2015
- Harry Engle, 470 Wellington Street East, Mount Forest, dated January 23, 2015

CORRESPONDENCE/COMMENTS RECEIVED (June 22, 2015)

- No further correspondence received

QUESTIONS/COMMENTS

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

The Applicant's Agent, Bruce Fulcher, was present to answer any questions pertaining to the application. The applicant and his Agent met with the Township Planner, CAO and one member of the public to discuss the application. The individual in attendance is opposed to the application. Mr. Fulcher was surprised at this individual's suggestion that the existing home be demolished and a duplex built. Does this suggest support of the application?

- No one was present to make oral and/or written submissions in support of the proposed minor variance.
- Persons present who wish to make oral and/or written submissions against this application.

Harry Engel, 470 Wellington St. E., stated that his suggestion regarding a duplex is in no way support of the application. Many neighbours have signed a petition stating that they are against this application. It looks like the legal requirements have been fulfilled; however, a division of land requirement should take into account the site, neighbourhood and the community as a whole. Some say a new house in an old neighbourhood increases the value of all homes. It could be argued otherwise as some people look for homes with historical significance. How will this application increase

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MONDAY, JUNE 22, 2015 – 7:00 P.M.
A01/15 AND A08/15**

the esthetics of the neighbourhood? The neighbours are still opposed because it affects them in an adverse way. They do not believe it meets the intent of the Official Plan. There are other nearby lands being developed. The neighbours would like to see the neighbourhood preserved.

Caroline Wollis, 482 Wellington St. E., wanted the Committee to know that even though the neighbours could not attend the meeting Harry has the support of the whole neighbourhood in voicing opposition to this application.

- Those wishing to be notified of the decision were asked leave their name and address with the secretary-treasurer.

- Committee – Comments and Questions

Councillor Burke commented that she understands the *Places to Grow Act* and all those that govern the Planning Department; however, she felt that sometimes they need to look at what is going to be developed in our own back yard. The Committee needs to look at what they are going to do in an existing neighbourhood. Councillor Burke felt that lot sizes should remain consistent. She was in support of denying the application on the principle that the proposal does not fit within the neighbourhood.

Councillor McCabe asked if the applicant and the neighbours could meet to work things out. CAO Michael Givens provided that the applicant and neighbours had met and the Committee is now at a point where a decision has to be made.

RESOLUTION NUMBER CoA 2015-025

Moved by: Councillor Goetz

Seconded by: Councillor Burke

THAT the minor variance applied for in Application A01/15 to provide relief from the minimum frontage and interior side yard setback requirements of section 11.2.2 and 11.2.4 of the By-law for the property described as part Park Lot 4, South Side Wellington Street with a civic address of 480 Wellington Street East, geographic Town of Mount Forest be denied for the following reason:

- *The proposal is not in keeping with the current neighbourhood*

CARRIED

The Applicant's Agent stated that this is not in keeping with previous planning decisions and not based on a *Planning Act* decision. He informed the Committee that his client will be filing an Ontario Municipal Board appeal and he requested notice of the Committee's decision.

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JUNE 22, 2015 – 7:00 P.M.
A01/15 AND A08/15**

DEFERRED APPLICATION A08/15

Owners/Applicant: Bradley and Judith Reist

THE LOCATION OF THE SUBJECT PROPERTY is described as Lot A, Concession 10, geographic Township of Arthur, with a civic address of 7011 Sideroad 3 W. The subject land is approximately 2.2 ha (5.5 acres).

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the maximum floor area of section 6.14 d) and setback requirements of section 6.14 g) for a proposed home industry structure. The maximum floor area of a home industry structure shall not exceed 185 m² (2,000 ft²) and shall not be located within 22.8 m (74.8ft) of a lot line or within 121.9 m (400ft) of a residence on a separate lot. The applicant is requesting permission to construct a building with a total floor area of 222.9 m² (2400 ft²) for a farm repair home industry. Other variances may be considered where deemed appropriate.

Report from Darren Jones, Chief Building Official

- CBO 15-09 Being a report on the withdrawal of Minor Variance Application A08/15 for Lot A, Concession 10, 7011 Sideroad 3 West (Reist)

RESOLUTION NUMBER CoA 2015-026

Moved by: Councillor McCabe

Seconded by: Councillor Yake

THAT the Committee of Adjustment of the Township of Wellington North receive report CBO 15-09 being a report on the withdrawal of Minor Variance Application A08/15 for Lot A, Concessions 10, 7011 Sideroad 3 West (Reist) for information.

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2015-027

Moved by: Councillor Yake

Seconded by: Councillor McCabe

THAT the Committee of Adjustment meeting of June 22, 2015 be adjourned at 7:18 p.m.

CARRIED

Secretary Treasurer

Chairman



Township of Wellington North

P.O. Box 125 • 7490 Sideroad 7 W • Kenilworth • ON • N0G 2E0

**TO: COMMITTEE OF ADJUSTMENT
MEETING OF JULY 13, 2015**

FROM: KARREN WALLACE, SECRETARY

**SUBJECT: CoA 2015-001 BEING A REPORT THE PROCESS FOR
CORRECTING AN ADMINISTRATIVE ERROR ON THE NOTICE OF
DECISION APPLICATION A01/15 (JASON OAKES) DATED 22ND
JUNE, 2015**

RECOMMENDATION

THAT the Committee of Adjustment for the Corporation of the Township of Wellington North receive for information report CoA 2015-001 being a report on the process for correcting an administrative error on the Notice of Decision, Application A01/15 (Jason Oakes) dated 22nd June, 2015;

AND FURTHER THAT the Committee of Adjustment for the Corporation of the Township of Wellington North approve an amended Notice of Decision to be signed that reflects the Members of the Committee who supported the Decision, being Members, Burke, McCabe and Yake.

PREVIOUS REPORTS/CORRESPONDENCE PERTINENT TO THIS MATTER

Committee of Adjustment minutes dated June 22, 2015

BACKGROUND

At the Committee of Adjustment meeting of June 22, 2015, the Committee voted to deny the minor variance in Application A01/15 (Jason Oakes) from the relief he was seeking being:

That a minimum frontage of 13.62 m (44.7 ft.) be permitted, whereas the By-law requires a minimum frontage of 15 m (49.2 ft.). A total relief of 1.38 m (4.5 ft.) is being requested.

That a minimum interior side yard of 3.07 m (10 ft.) be permitted, whereas the by-law requires a minimum interior side yard of 3.7 m (12.1 ft.). A total relief of 0.63 m (2.1 ft.) is being requested

The reason for the decision as determined by the Committee of Adjustment was that the proposal is not in keeping with the current neighbourhood. Attached as Schedule "A" is the original decision.

Member Goetz and Chair Lennox opposed to the denial and Members McCabe, Yake and Burke voted in favour. Procedurally, the Notice of Decision of the Committee of Adjustment should be signed only by those Members who support the decision. Members Goetz, Burke and McCabe signed the Decision, however it should have been Members Burke, McCabe and Yake who signed the Decision.

The Decision therefore needs to be signed by only those Members who supported the Decision, that being Members Burke, McCabe and Yake. Attached as Schedule "B" is the amended Decision.

Any discussion, other than correcting the administrative error in the Decision, of this issue at this meeting is not appropriate. Should the Committee of Adjustment wish to revisit their decision, proper notice would have to be given in the time frames set out in the legislation.

FINANCIAL IMPLICATIONS

There no financial implications associated with this report.

PREPARED BY:	RECOMMENDED BY:
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Karren Wallace

Michael Givens

KARREN WALLACE COMMITTEE OF ADJUSTMENT SECRETARY	MICHAEL GIVENS CHIEF ADMINISTRATIVE OFFICER
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TOWNSHIP OF WELLINGTON NORTH

NOTICE OF DECISION OF COMMITTEE OF ADJUSTMENT WITH REASONS RE APPLICATION FOR

File No.
A1-15

Minor Variance - s. 45 (1) Permission - s. 45 (2)

RE: AN APPLICATION BY:

Jason Oakes
Name of Applicant

325 Dublin Street, Mount Forest, ON N0G 2L3
Address of applicant

LOCATION OF PROPERTY:

**Pt Pk Lot 4, S/S Wellington St, geographic Town of Mount Forest
(480 Wellington Street East)**
Brief description

PURPOSE OF APPLICATION:

1. That a minimum frontage of 13.62 m (44.7 ft.) be permitted, whereas the By-law requires a minimum frontage of 15 m (49.2 ft.). A total relief of 1.38 m (4.5 ft.) is being requested.
2. That a minimum interior side yard of 3.07 m (10 ft.) be permitted, whereas the by-law requires a minimum interior sider yard of 3.7 m (12.1 ft.). A total relief of 0.63 m (2.1 ft.) is being requested
As set out in application

WE, the undersigned, in making the decision upon this application, have considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45 (2) of the Planning Act, concur in the following decision and reasons for decision made on the 22nd day of June, 2015.

DECISION: THAT the minor variance applied for in Application A1-15 be denied.

CONDITIONS:

REASONS FOR DECISION: *the proposal is not in keeping with the current neighbourhood.*

Mark A. Saethy
Signature of Member

[Signature]
Signature of Member

Signature of Member

[Signature]
Signature of Member

Signature of Member

Appeal — The last date for filing a notice of appeal of this decision is **July 13th, 2015**.

Any such appeal must be filed with the secretary-treasurer of the committee and must set out the objection to the decision and the reasons in support of the objection and must be accompanied by the fee required by the Ontario Municipal Board.

Amount of Fee payable on appeal is **\$125.00**

Person — appeal limitation — Only individuals, corporations and public bodies may appeal decisions in respect of an application for a minor variance or permission to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

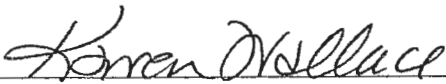
Other applications – If known, indicate if the subject land is the subject of an application under the Act for:

- Approval of a plan of subdivision (under section 51) File # _____ Status _____
- Consent (under section 53) File # _____ Status _____
- Previous application (under section 45) File # _____ Status _____

CERTIFICATION

I, Karren Wallace certify that the information included herein is a true copy of the decision of the committee with respect to the application recorded therein.

Dated this **22nd** day of **June, 2015**.



Signature of Secretary-Treasurer

Personal information contained on this form collected pursuant to the *Planning Act* will be used for the purposes of that Act. Questions should be directed to the Freedom of Information and Privacy Coordinator at the institution conducting the procedures under the Act.

TOWNSHIP OF WELLINGTON NORTH

NOTICE OF DECISION OF COMMITTEE OF ADJUSTMENT WITH REASONS RE APPLICATION FOR

File No. A1-15

[X] Minor Variance - s. 45 (1) [] Permission - s. 45 (2)

RE: AN APPLICATION BY:

Jason Oakes
Name of Applicant

325 Dublin Street, Mount Forest, ON N0G 2L3
Address of applicant

LOCATION OF PROPERTY:

Pt Pk Lot 4, S/S Wellington St, geographic Town of Mount Forest
(480 Wellington Street East)
Brief description

PURPOSE OF APPLICATION:

- 1. That a minimum frontage of 13.62 m (44.7 ft.) be permitted, whereas the By-law requires a minimum frontage of 15 m (49.2 ft.). A total relief of 1.38 m (4.5 ft.) is being requested.
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As set out in application

WE, the undersigned, in making the decision upon this application, have considered whether or not the variance requested was minor and desirable for the appropriate development or use of the land, building or structure, and that the general intent and purpose of the zoning by-law and the official plan will be maintained or, in the case of a change in a use of property which is lawfully non-conforming under the by-law, as to whether or not this application has met the requirements of subsection 45 (2) of the Planning Act, concur in the following decision and reasons for decision made on the 22nd day of June, 2015.

DECISION: THAT the minor variance applied for in Application A1-15 be denied.

CONDITIONS:

REASONS FOR DECISION: THAT the proposal is not in keeping with the current neighbourhood.

Signature of Member Signature of Member Signature of Member
Signature of Member Signature of Member

Appeal — The last date for filing a notice of appeal of this decision is **July 13th, 2015**.

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