

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, AUGUST 10, 2015 – 7:00 P.M.
A10/15**

The public meeting is held to consider Minor Variance Application A10/15 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

APPLICATION A10/15

Owners/Applicant: Edward and Margaret-Anne Baratto

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Park Lot 2, Crown Survey, geographic Village of Arthur, with a civic address of 178 Fredrick St W. The subject land is approximately 2.88 ha (7.11 acres).

THE PURPOSE AND EFFECT of the application is to permit the construction of a new single-detached residential dwelling to be serviced by a private septic system whereas connection to municipal sewers would normally be required.

Notice of this meeting was mailed to surrounding property owners and required agencies on July 29, 2015, as well as posted on the property, pursuant to the legislation.

PRESENTATION:

Linda Redmond, Senior Planner for the Township of Wellington North reviewed her comments dated July 28, 2015.

The applicant has requested relief to construct a single-detached residence which will be serviced by a private septic system. If granted, the variance would recognize the individual on-site servicing where municipal servicing is normally required. Provided the Committee is satisfied that future municipal servicing on this lot is not reasonably anticipated, we feel the application meets the general intent of the Official Plan and Zoning By-law and is minor and desirable for the appropriate development of the land.

The subject lands are located on Part Park Lot 2, Crown Survey (Arthur). The property has frontage on Fredrick St W and has an area of approximately 2.88 ha (7.11 acres).

The purpose of this application is to allow the construction of a single-detached residence to be serviced by a private individual septic system, whereas connection to municipal sewers would normally be required.

Section 1.6.6.2 of the Provincial Policy Statement states that municipal services are the preferred form of servicing for settlement areas. However, Section 1.6.6.4 gives consideration to individual on-site services where municipal services are not provided subject to the municipality ensuring that those services satisfy the criteria set out in policy 1.6.6.5.

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Under the Wellington County Official Plan the subject lands are currently designated RESIDENTIAL and CORE GREENLANDS in the Urban Centre of Arthur. 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 7.5.2 gives consideration to individual on-site servicing for new development in an urban centre, stating that “Individual on-site servicing is not allowed in urban centres which have central systems except:...b) to allow a small scale use on an existing lot in an area where central services are not reasonably anticipated”.

The subject property is zoned Residential holding exemption R3(H)-33 in the Township of Wellington North Zoning By-law. The exemption permits the erection of one single family dwelling on the subject lands. Section 6.8 requires that development of any kind within the urban area of Arthur be serviced by municipal sewage collection and municipal water supply, with exception given to existing lots in the R1A zone.

The subject lands are currently developed with a single family dwelling. The applicants received provisional approval to sever the dwelling from the remainder of the lands and would like to construct a new dwelling to the rear of the existing one. At the time of the severance application the location of the proposed dwelling was located within the current NE zoned area of the property. As condition of the consent the applicants were required to rezone the land to relocated the NE zone boundary after consultation with the Conservation Authority.

The following zoning criteria was reviewed as part of the rezoning. The Natural Environment (NE) zone boundaries identified on the schedules to the Zoning By-law are intended to generally identify the location of potentially hazardous environmental features. In this case the zoning is associated with the Conestogo River and associated floodplain. However during review of development applications and building permit applications, if necessary, the boundaries of the NE zone shall be more precisely determined in consultation with the Conservation Authority. Where detailed resource mapping and/or site inspection results in a re-interpretation of the limits of the NE zone boundary, all requirements of the Zoning by-law shall be reviewed relative to the revised interpretation of the NE Zone boundary, including any applicable setbacks (see section 2.6).

Section 6.20 (Natural Environment and Municipal Drain setbacks), of the zoning by-law, sets out criteria for the location of uses and buildings adjacent to or within the NE zone. New buildings are required to maintain a 30 metre setback from the limit of a NE zone. However section 6.20c) further states that “interpretation of the limits of the NE zone boundaries is governed by regulations contained in Section 2.6 of the zoning by-law. The

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location of the 30m setback boundaries shall be adjusted accordingly in the event that the NE zone boundary is re-interpreted.

The Grand River Conservation Authority (GRCA) reviewed the location of the proposed house and subsequently provided a precise floodplain location or a re-interpretation of the NE limits. The GRCA further recommended a minimum setback of 5 metres from the Floodplain. As such a by-law amending the NE zone to locate it as per the GRCA's mapping and provide provisions to permit a new building(s) at a 5 metre setback from the NE zone was approved for this property. As stated above, this requirement also formed a condition of approval for the consent application.

CORRESPONDENCE/COMMENTS RECEIVED PRIOR TO AUGUST 10, 2015

- Matthew Aston, Director of Public Works
 - Does not support.

- Andrew Herreman, Grand River Conservation Authority
 - No objection.

QUESTIONS/COMMENTS

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

The Applicant was present to answer any questions pertaining to the application. This has been a lengthy process over several years and is only option right now. They have sold their house and are living in transition. They would like to build as soon as possible.

- 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.

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

- Committee – Comments and Questions

Member McCabe asked where the driveway will be located. Mrs. Baratto indicated that the driveway will be located in the easement area.

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Councillor Yake expressed concern that the Township could be risking private septic systems for all homes in future development of this property. He did not want to set a precedent. Michael Givens, CAO, stated that there are currently no sewage allocations available and they need to look at each request on a case by case basis. The Baratto's have contacted GRCA regarding the proposed septic system. Ms. Redmond commented that this is a large lot capable of having a septic system.

Councillor Yake questioned if there was development in Arthur that has been on the books for years and may not be proceeding or if there is a developer that isn't using an allocation. Darren Jones, Chief Building Official, commented that subdivision developments on Schmidt Drive and Carroll Street may have a few more years before they are built out. The Preston Park subdivision needs to have all allocations available at the same time for development due to its size. CAO Givens expressed concern that it could be perceived as making an exception for this property. An allotment had been given for this property but when development did not take place within the time frame the allotment was lost. Mayor Lennox stated that he would prefer a house being built on a sewage allotment if possible.

Councillor McCabe asked where the service ends. CBO Jones stated that when the previous house was build they put in an extra service. Mayor Lennox commented that lots may have to be larger for future development if they use septic.

Councillor Yake expressed concern that the Baratto's lost their allotment when others haven't and stated that there are developments that have been going on longer. Councillor Yake questioned how long some of the others have been held.

CBO Jones commented that the Martin Development on Conestoga Street and Schmidt Drive in the Eastridge development have a few lots. CAO Givens commented that Eastridge uses a few lots every year. The allotment previous held by the Baratto's had time frame conditions as it was an infill lot.

Mayor Lennox stated that there are no longer infill lot allocations. Mayor Lennox asked Mrs. Baratto if they would agree to a condition of septic system being used now but having to connect to sewer when it became available. Mrs. Baratto commented that they were given three months allocation and the house did not sell so they could not build. She stated that it would not be fair having to pay for a septic and then having to pay to hook into the sewer later. She asked what the likelihood of finding an allotment would be and what the time frame would be. CAO Givens stated they would talk to developers to see if they would be willing to swap out one allotment. It is hoped to have an answer for the September 14 Council meeting.

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Councillor Yake stated that he would like to defer a decision pending discussion with developers to determine if an allotment can be made available. If that is not successful he could accept a septic system with the condition that no other development on septic take place.

RESOLUTION NUMBER CoA 2015-036

Moved by: Member Burke

Seconded by: Member McCabe

THAT the minor variance applied for in Application A10/15 to provide relief to permit the construction of a new single-detached residential dwelling to be serviced by a private septic system whereas connection to municipal sewers would normally be required for the property described as Part Park Lots 2, Crown Survey, Frederick Street West, geographic Village of Arthur, with a civic address of 178 Frederick Street West be deferred pending Township staff consultation with existing developers with sewage allotment to determine if a single unit can be made available to the Baratto Property.

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2015-037

Moved by: Member McCabe

Seconded by: Member Yake

THAT the Committee of Adjustment meeting of August 10, 2015 be adjourned at 7:38 p.m.

CARRIED



Secretary Treasurer



Chairman