



Township of Wellington North

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

Committee of Adjustment

Monday, August 10, 2015 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

Page 1 of 2

AGENDA ITEM	PAGE NO.
<p>Chairman</p> <ol style="list-style-type: none">1. Officially open the public meeting.2. Declaration of Pecuniary Interest and General Nature Thereof.3. Minutes, A09/15 (attached)	1
<p><u>APPLICATION A10/15</u></p>	
<p>Owners/Applicant: Edward and Margaret-Anne Baratto</p>	
<p>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 location of the property is shown on the map attached.</p>	3
<p>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.</p>	
<ol style="list-style-type: none">4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on July 29, 2015 as well as posted on the property.	
<ol style="list-style-type: none">5. Township Planner – Linda Redmond will review the planning comments (attached).	4

AGENDA ITEM	PAGE NO.
<p>6. Correspondence/Comments received:</p> <ul style="list-style-type: none">- Matthew Aston, Director of Public Works<ul style="list-style-type: none">- Does not support.- Andrew Herreman, Grand River Conservation Authority<ul style="list-style-type: none">- No objection. <p>7. 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> <p>Those wishing to be notified of decision please leave name and address with secretary-treasurer.</p> <p>Committee:</p> <ul style="list-style-type: none">- Comments and questions <p>8. Adjournment.</p>	<p>7</p> <p>8</p>

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JULY 13, 2015 – 7:00 P.M.**

RESOLUTION NUMBER CoA 2015-030

Moved by: Member Yake

Seconded by: Member McCabe

THAT Committee of Adjustment rise from a closed meeting session at 7:11 p.m.

CARRIED

MINUTES

RESOLUTION NUMBER CoA 2015-031

Moved by: Member McCabe

Seconded by: Member Yake

THAT the Committee of Adjustment meeting minutes of June 22, 2015 – A01/15 and A08/15 be adopted as presented.

CARRIED

REPORT

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 22nd June, 2015

RESOLUTION NUMBER CoA 2015-032

Moved by: Councillor Yake

Seconded by: Councillor McCabe

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 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.

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2015-033

Moved by: Member McCabe

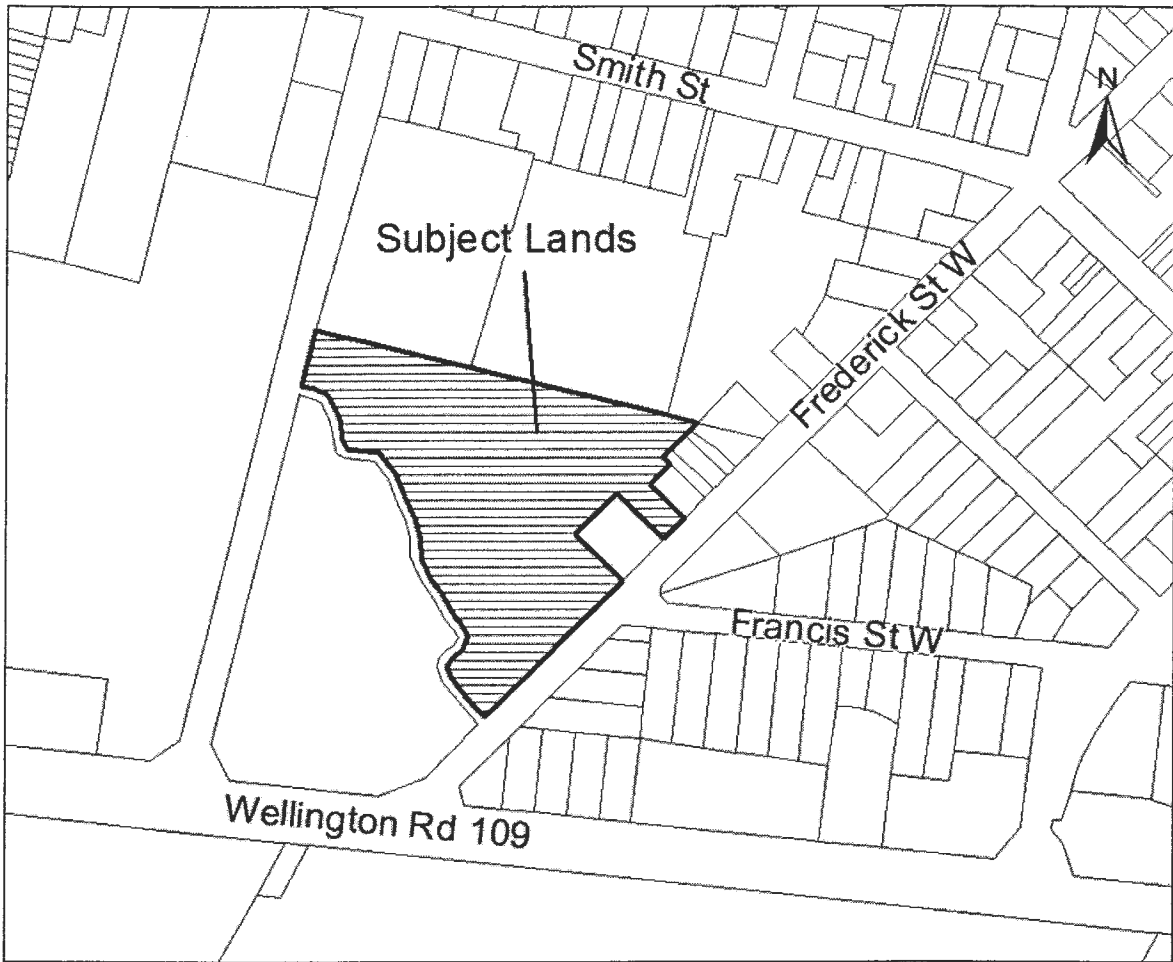
Seconded by: Member Yake

THAT the Committee of Adjustment meeting of July 22, 2015 be adjourned at 7:14 p.m.

CARRIED

Secretary Treasurer

Chairman



APPLICATION A10/15

Owners/Applicant: Edward and Margaret-Anne Baratto



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

July 28th, 2015

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 A10/15**
Part Park Lots 2, Crown Survey
Frederick Street W, Arthur
Baratto

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

Planning Comments: 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.

SUBJECT PROPERTY AND LOCATION

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)

PROPOSAL

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.

PROVINCIAL POLICY STATEMENT (PPS)

Section 1.6.6.2 of the PPS 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.

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".

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

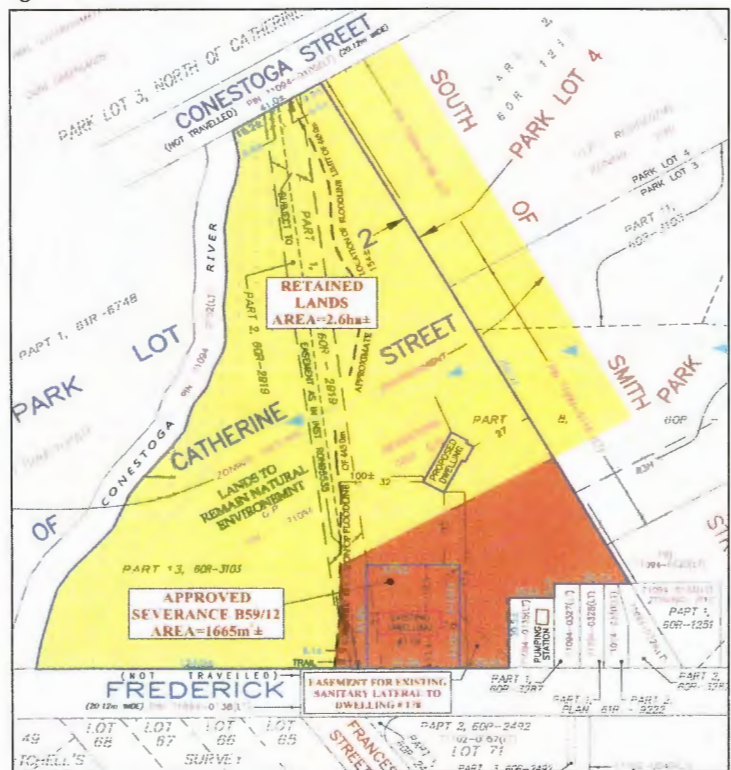
The subject property is zoned Residential holding exemption R3(H)-33 in the Township of Wellington North Zoning By-law. The exemption permits the erection of one single family dwelling on the subject lands. Section 6.8 requires that development of any kind within the urban area of Arthur be serviced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

BACKGROUND

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 (see figure 1). 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

Figure 1



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 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.

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

Yours truly,



Linda Redmond
Senior Planner



Township of Wellington North

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

By Hand

July 31, 2015

Mr. Darren Jones, Chief Building Official
Township of Wellington North
7490 Sideroad 7W
Kenilworth ON N0G 2E0

Subject: Minor Variance Application A10/15
Part Park Lots 2, Crown Survey
Frederick St West, Arthur
Barratto

Dear Mr. Jones --

As this property is located where municipal servicing is available, I cannot support the application for this property to develop using a private septic system. Municipal water and sanitary infrastructure is expensive to own and maintain and it is in the Township's best interest to ensure those property owners who can connect to municipal servicing do.

This situation is further complicated by the fact that sewage allotments are currently not available in the community of Arthur; however, the Township's public works department feels approval of this minor variance will create a precedent.

The Township continues to work towards a solution for the Arthur sewage capacity issue; however, it also acknowledges there is no quick fix.

Please do not hesitate to contact me if you have any questions or concerns at 519-848-3620 x31.

Best regards,

A handwritten signature in blue ink, appearing to read 'Matthew Aston', with a long horizontal flourish extending to the right.

MATTHEW ASTON

Director of Public Works

CC: Mr. Michael Givens, Township CAO



**PLAN REVIEW REPORT: County of Wellington Planning & Land Division Committee
c/o Darren Jones, Building/Zoning Dept.**

DATE: August 6, 2015 **YOUR FILE:** A10/15
GRCA FILE: Wellington/NorthWell/2015/Minor Variance\A10-15_Baratto

RE: **Application for Minor Variance A10/15
Part of Park Lot 2, Crown Survey
Wellington North (Arthur Village)
Edward & Margaret-Anne Baratto**

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the proposed construction of a new single-detached residential dwelling and the installation of a private septic system on the subject property.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject property contains regulated floodplain associated with the Conestogo River along with a 5 metre regulated allowance adjacent to the flood plain as well as valley slopes with a 15 metre regulated allowance. Consequently, portions of subject property are subject to Ontario Regulation 150/06. We have noted that the flood plain information available on our website has been better defined through the submission of topographical survey information that has allowed the GRCA to better refine the flood plain limit and the associated allowance.

2. Legislative/Policy Requirements and Implications:

The proposed dwelling and septic bed are being located outside of the GRCA's regulated area (5metres allowance along surveyed floodplain) based on the site plan submitted with this application. As such, the development proposed for the lot does not require permissions from the GRCA.

Any further construction or other alteration on the subject property should be reviewed by this office to determine if the proposal is regulated by the GRCA.

The GRCA permit process involves the submission of a Permit Application, supporting plans/reports and the required application fee to this office, the review of the proposal by Authority staff and the subsequent presentation of the Permit Application to Management Committee for this approval or refusal.

3. Additional Information/Suggestions Provided in an Advisory Capacity:

None.

Should you have any questions or require further information, please do not hesitate to contact me at extension 519-621-2763 ext. 2236.

Yours truly,



Andrew Herreman
Resource Planner
Grand River Conservation Authority



These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.

cc: Township of Wellington North, Committee of Adjustment, c/o Darren Jones, Building/Zoning Dept.
djones@wellington-north.com

cc: Edward & Margaret-Anne Baratto, 175 Frederick St. PO Box 912 Arthur ON N0G 1A0

Site Plan For Edward and Margaret Baratto, Application for Minor variance with respects to Septic allowance PIN 71094-0351(LT) Park Lot 2, Crown Survey

