

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, AUGUST 15, 2016 – 7:00 P.M.
A06/16 and A07/16**

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

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

Also Present:

Alt. Secretary – Treasurer, CAO/Deputy Clerk:	Michael Givens
Executive Assistant:	Cathy Conrad
Treasurer:	Kimberly Henderson
Director of Public Works:	Matthew Aston
Chief Building Official:	Darren Jones
Tourism, Marketing, Promotion Manager:	April Marshall
Economic Development Officer:	Dale Small
Manager of Planning and Environment:	Mark Van Patter
Junior Planner:	Elizabeth Martelluzzi
Summer Student – Assistant Archivist:	Avery Reeves

Absent: Secretary-Treasurer, Clerk: Karren Wallace

THE CHAIRMAN CALLED THE MEETING TO ORDER

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

No pecuniary interest reported.

RESOLUTION NUMBER CoA 2016-18

Moved by: Member Burke

Seconded by: Member McCabe

THAT the agenda for the August 15, 2015 Committee of Adjustment meeting be accepted and passed.

CARRIED

MINUTES OF PREVIOUS MEETING(S)

RESOLUTION NUMBER CoA 2016-19

Moved by: Member McCabe

Seconded by: Member Burke

THAT the Committee of Adjustment meeting minutes of June 20, 2016 – A05/16 be adopted as presented.

CARRIED

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A06/16 and A07/16**

APPLICATION A06/16

Owners/Applicant: Rebecca and Hugh Broadfoot

The location of the subject property is described as Part Lot 13, Concession 11, geographic Arthur Township, with a civic address of 9150 Concession 11. The subject land is approximately 1.09 ha (2.7 acres).

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the maximum floor area for two existing accessory structures on the subject land. The permitted maximum floor area shall not exceed 102.1 m² (1100 ft²), whereas the applicant is requesting permission to permit the existing structures totaling 141 m² (1521 ft²) to remain on the severed residential portion of property. This variance is a condition of severance application B11/16, that was granted provisional approval by the Wellington County Land Division Committee.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property and applicable agencies and posted on the property on August 2, 2016, pursuant to the notice provisions under the Planning Act.

PRESENTATION

Elizabeth Martelluzzi, Junior Planner, reviewed her comments dated August 10, 2016.

Planning Opinion: The minor variance requested is a condition of severance application B11/16, which was granted provisional approval by the Wellington County Land Division Committee on April 14, 2016. The combined maximum floor area of accessory structures on this lot shall not exceed 102.1 m² (1100 ft²) whereas the applicant has applied to permit 2 existing accessory structures which have a combined 141 m² (1521 ft²) in floor area. The structures are a shop, and storage for personal lawn equipment.

There were no concerns with the relief requested at this time. The structures are for personal use and remain incidental to the main use of the site, which is a single detached dwelling, and would likely not affect neighbouring properties negatively. 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 13, Concession 11, with a civic address of 9150 Concession 11, Arthur. The subject land is approximately 1.09 ha (2.7 acres) and has a single detached dwelling and two accessory buildings.

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Neighbouring properties include Agricultural Uses and single detached dwellings, which are not in close proximity to the buildings on the subject lot.

PROPOSAL

The applicant is requesting a minor variance for existing accessory structures on the subject property, a lawn maintenance shed and a shop, both for personal use. The combined floor area of the two structures is 141 m² (1521 sq ft), whereas Section 6.1.4(b) of the Zoning By-law permits a maximum lot coverage of 102.1 m² (1100 sq ft) for a lot of this size.

This application is a condition of a recent severance application B11/16, which was granted provisional approval by the Wellington County Land Division Committee. The severance was a lot line adjustment, which created a smaller residential lot and therefore the structures on the lot must come into compliance before consent can be granted.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. 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 Agricultural (A) and Natural Environment (NE). Accessory buildings in the Agricultural zone are subject to general provision 6.1, Accessory Uses. The existing accessory structures require the following minor variance:

1. A combined maximum floor area of 141 m² (1521 sq ft), whereas Section 6.1.4(b) of the Zoning By-law permits a maximum lot coverage of 102.1 m² (1100 sq ft) for a lot of this size.

The intent of Section 6.1.4(b) is to allow a lot to have accessory buildings appropriate for the size of the lot and to ensure that accessory structures remain incidental and subordinate to the main use, and are appropriate development for the lot. Prior to the recent severance application (a lot line adjustment), the structures would have met the maximum allowable lot coverage. Due to the new reduced lot area of 1.09 Hectares, the structures require zoning relief to be considered in compliance with the Zoning By-law.

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CORRESPONDENCE/COMMENTS RECEIVED

Maitland Valley Conservation Authority

- No concerns with proposed variance.

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.

No was one 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

Chairman Lennox confirmed this was initially a lot line adjustment and the creation of a smaller agricultural lot made the minor variance necessary.

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 2016-20

Moved by: Member Burke

Seconded by: Member McCabe

THAT the minor variance applied for in Application A06/16 to provide relief from the maximum floor area for two existing accessory structures on the subject land to permit a maximum combined floor area for accessory buildings of 141 m² (1521 ft²), whereas 109 m² (1170 ft²) is required, be authorized.

CARRIED

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APPLICATION A07/16

Owners/Applicant: Angela Jones and Paul Walker

The location of the subject property is described as Lots 29 & 30, Concession 6, geographic West Garafraxa, with a civic address of 8519 Wellington Rd 109. The subject land is approximately 4.08 ha (10.10 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 176.5 m² (1900 ft²). The applicant is requesting permission to construct a 297 m² (3200 ft²) accessory structure for personal storage use.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property and applicable agencies and posted on the property on August 2, 2016, pursuant to the notice provisions under the Planning Act.

PRESENTATION

Elizabeth Martelluzzi, Junior Planner, reviewed her comments dated August 4, 2016.

Planning Opinion: The minor variance requested is to provide relief from the maximum allowable floor area of an accessory structure. The applicant is requesting to construct a 297 m² (3200 sq ft) accessory structure for personal storage use, whereas Section 6.1.4(b) of the Zoning By-law permits a maximum floor area of 176.5 m² (1900 sq ft) on a lot of this size.

There were no concerns with the relief requested at this time. The structures are for personal use and remain incidental to the main use of the site, which is a single detached dwelling, and would likely not affect neighbouring properties negatively. 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 29 and 30, Concession 6, with a civic address of 8519 Wellington Road 109. The subject land is approximately 4.08 ha (10.10 acres) and has a single detached dwelling and a hobby barn. Neighbouring properties include Agricultural Uses and single detached dwellings. As per the Agricultural Zoning, the subject land is considered under the reduced lot regulations.

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PROPOSAL

The minor variance requested is to provide relief from the maximum allowable floor area of an accessory structure. The applicant is requesting to construct a 297 m² (3200 sq ft) accessory structure for personal storage use, whereas Section of the Zoning By-law permits a maximum floor area of 176.5 m² (1900 sq ft) on a lot of this size.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL. 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 Agricultural (A). Accessory buildings in the Agricultural zone are subject to general provision 6.1, Accessory Uses. The proposed accessory structure requires the following minor variance:

1. A maximum floor area of 297 m² (3200 sq ft), whereas Section 6.1.4(b) of the Zoning By-law permits a maximum lot coverage of 176.5 m² (1900 sq ft) for a lot of this size.

The intent of Section 6.1.4(b) is to allow a lot to have accessory buildings appropriate for the size of the lot and to ensure that accessory structures remain incidental and subordinate to the main use, and are appropriate development for the lot. We are of the opinion that the proposal for minor variance would meet the intent of the Zoning By-law, provided the accessory structure is for personal storage and use.

Conversation with the applicant confirmed the purpose of the large accessory structure is to accommodate antique automobile restoration as a hobby, and that no customer visits or other commercial activity is expected on the site.

CORRESPONDENCE/COMMENTS RECEIVED

Bill and Helen Waring

- Concerns that the due to size of building proposed it will not be just for personal storage but may be used for commercial heavy truck repair.

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REQUEST FOR NOTICE OF DECISION

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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.

Paul Walker, owner/applicant, explained that he is out of the trucking business. His son parks his truck there. They are planning to restore a 1981 cab over Freightliner parked there.

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

Anthony Howard, 8541 Wellington Road 109, expressed concern with several trucks parked on the property, the large area of gravel and trucks engine breaking. He is concerned that the proposed building will be used for tractor vehicle repair with 2 bays. Antique vehicles have not been seen on the property.

Mary Vervoort, 8568 Wellington Road 109, expressed concern with traffic as it is a dangerous road and concerns that a business will be operating there.

Gilbert Vervoort, 8568 Wellington Road 109 questioned if there was a permit issued for the second entrance installed 5 years ago.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe asked for confirmation that the building would be for personal use only. Mr. Walker confirmed that it will be for personal use. His son is going to restore a vehicle. He parks his own truck at a lot in Grand Valley. They would also like to be able to store hay for their horses. The horses are in another building.

Ms. Martelluzzi, Junior Planner, suggested a provision to prohibit commercial activity could be added as a condition of the minor variance.

Councillor Yake stated that he could not support the application as the size is excessive.

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Mayor Lennox asked for clarification regarding adding a condition prohibiting commercial activity.

Darren Jones, CBO, explained that it is not a standard condition but could be added. A home industry is a permitted use.

Councillor McCabe questioned if they would be satisfied with a smaller building. Mr. Walker stated that they would like to build the size requested. They want to build once and have it big enough for their needs. They would not want to build much smaller.

Councillor Burke stated that 3,200 sq. ft. seems extreme and she could not support the application.

The Committee suggested the applicant consult with neighbours regarding the proposed building and use.

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 2016-21

Moved by: Member McCabe

Seconded by: Member Burke

THAT the minor variance applied for in Application A07/16 to provide relief from the maximum floor area for a proposed accessory structure on the subject land to permit a maximum floor area for accessory buildings of 297 m² (3200 ft²), whereas 177m² (1900 ft²) is required, be deferred until re-initiated by the applicant.

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2016-22

Moved by: Member Yake

Seconded by: Member Burke

THAT the Committee of Adjustment meeting of August 15, 2016 be adjourned at 7:34 p.m.

CARRIED

Secretary Treasurer

Chairman