

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A07/14

The Committee of Adjustment met on Monday, September 8, 2014 at the Kenilworth Municipal Office, at 7:00 p.m.

Members Present:

**Chairman: Raymond Tout
Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake**

Also Present:

**Secretary-Treasurer, Catherine More
C.A.O./Clerk, Michael Givens
Executive Assistant, Cathy Conrad
Chief Building Official, Darren Jones
Building Inspector, Jonathon Taylor
Business Economic Manager, Dale Small
Treasurer, Paul Dowber**

1. The Chairman called the meeting to order.
2. Disclosure of Pecuniary Interest and General Nature Thereof

None Reported
3. Minutes

**Moved by: Lennox
Seconded by: Yake**

THAT the Committee of Adjustment meeting minutes of August 11, 2014 – A07/14 be adopted as presented.

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Application A07/14 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

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APPLICATION A07/14

Owners/Applicant: Paul and Krista Doupe

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 9, Concession 6, geographic Arthur Township with a civic address of 7492 Sideroad 5 E. The subject land is approximately 6.43 ha (15.91 acres).

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from section 6.20.1 a), which restricts development within a 30m (98.4ft) setback of a Natural Environment zone. The applicant has requested the minor variance in order to allow for construction of a dwelling and associated weeping bed.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on July 29, 2014 as well as posted on the property.
5. Committee reviewed comments provided by Jameson Pickard, dated August 6, 2014.

The variance requested would provide relief from section 6.20.1 of the zoning by-law to allow for a reduced setback from the Natural Environment zone to permit the construction of a weeping bed system.

The Planning Department have no concerns with the relief requested. The Committee should be satisfied that any impacts on the natural features present or issues arising from the watercourse, NE zone can be addressed. If approved, the Committee may wish to require a detailed site plan or tree saving plan be prepared to ensure that any unnecessary tree removal is avoided on the site during construction.

The subject property is designated Prime Agricultural and Core Greenlands in the Wellington County Official Plan. The Greenland designation represents Hazardlands. 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.

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Under the Wellington North Zoning By-law the subject property is currently zoned Agricultural (A) and Natural Environment (NE) zone. The applicants are proposing to install a new weeping bed within the NE zone setback. The application did not indicate the amount of relief needed from the NE zone boundary, but in talks with the Township CBO it appears that proposed weeping bed will be constructed approximately 10 m (32.8 ft) away from the NE zone limit. As such, the following relief would be required:

- 1) That a minimum setback of 10 m (32.8 ft.) be permitted to the Natural Environment Zone, whereas the by-law requires a setback of 30 m (98.4 ft.). The total relief requested would be 20 m (65.6 ft.)

The subject property appears to be completely wooded, with significant portions falling within the Natural Environment (NE) zone, the proposed area of construction is outside of the this area. The NE zone present is associated with a stream which runs through a portion of the property. The comments of the Saugeen Valley Conservation Authority should be considered. The Committee should be satisfied that any impacts on the natural features present or issues arising from the watercourse, NE zone are addressed. If approved, the Committee may wish to require a detailed site plan or tree saving plan be provided to ensure that unnecessary tree removal is limited on the site during construction.

Saugeen Conservation recommends deferral of this proposed Minor Variance as they require further information from the applicant regarding the proposed development on this property.

Committee reviewed further comments provided by Mark Van Patter, dated September 8, 2014:

Mr. Van Patter had reviewed the comments provided by Jameson Picard and a letter dated September 5 from Valerie Lamont of the SVCA.

While the Committee could require a Tree Savings Plan, Mr. Van Patter was not sure it is necessary in the current instance. The County understands that the removal of some trees may be necessary for development on vacant lots. The County's Forest Conservation By-law deals with new buildings and structures in such cases – excerpt from Section 3.1:

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3.1 *Despite Section 2 of this by-law, this by-law **does not apply to** :*

- (a) *the injuring or destruction of trees required in order to erect a building or structure or to construct a septic system (including weeping tile bed), in respect of which a building permit has been issued, provided that the total area within which trees are injured or destroyed is within 15 metres of the outer edge of the building, structure or septic system or proposed building, structure or septic system;*
- (b) *the injuring or destruction of trees that is reasonably required in order to install and provide utilities to the construction or use of a building or structure in respect of which a building permit has been issued, including the installation of a primary septic bed;*
- (c) *the injuring or destruction of trees that is reasonably required in order to install a single lane driveway for vehicular access to a building or structure in respect of which a building permit has been issued;*

Thus, the Forest Conservation By-law permits the removal of trees, but only within 15 metres of the outer edge of the building, structure or septic system. This limits the number of trees cut down. If more trees are to be cut, then the applicant would have to take out a clearing permit from the County. Mr. Van Patter had talked to Mr. Doupe and he stated that he wishes to maintain as many trees as possible.

In the current case, the only reason that the Natural Environment zone is present and a minor variance required, is because of the watercourse that runs along the western property boundary. The watercourse is at some distance from the buildings and septic system being proposed.

Mr. Van Patter expected that the endangered species, Bobolink, should not be a concern in forest habitat; their preference is for grasslands.

The SVCA indicates that a permit will be required from them, so any outstanding concerns, if any, can be dealt with through their process.

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6. Correspondence/Comments received:

Valerie Lamont, Environmental Planning Technician (Acting), SVCA
- Requesting deferral (August 7, 2014)

Valerie Lamont, Environmental Planning Technician (Acting), SVCA
- No objection (September 5, 2014)

7. Questions/Comments

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

The Applicants were present to answer any questions regarding the application.

Persons present who wish to make oral and/or written submissions against this application.

None

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

Committee – Comments and Questions

None

Moved by: Yake
Seconded by: Lennox

THAT the minor variance applied for in Application A07/14 be authorized.

Resolution No. 2

Carried

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8. Adjournment

**Moved by: Yake
Seconded by: Lennox**

THAT the Committee of Adjustment meeting of September 8, 2014 be adjourned at 7:05 p.m.

Resolution No. 3

Carried

Secretary Treasurer

Chairman