

Township of Wellington North

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

Committee of Adjustment

Monday, January 26, 2015 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

Page 1 of 2

Page 1 of	<u></u>
AGENDA ITEM	PAGE NO.
Chairman	
1. Officially open the public meeting.	
2. Declaration of Pecuniary Interest and General Nature Thereof.	
3. Minutes, A08/14 (attached)	1
APPLICATION A01/15	
Owners/Applicant: Jason Oakes	
THE LOCATION OF THE SUBJECT PROPERTY is described as Part Park Lot 4, S/S Wellington Street with a civic address of 480 Wellington Street East. The subject land is approximately 0.12 ha (0.30 acres). The location of the property is shown on the map attached.	5
THE PURPOSE AND EFFECT of the application is 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. The property received provisional approval from the County Land Division Committee to create one residential lot subject to conditions. The variances requested will satisfy conditions related to the provisionally approved consent application.	
4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on January 14, 2015 as well as posted on the property.	
5. Application for a Minor Variance.	7

Committee of Adjustment Agenda January 26, 2015 at 7:00 p.m.

	January 26, 2015 at 7:00 p.m. Page 2 of 2				
	AGENDA ITEM	PAGE NO.			
6.	Township Planner – Jameson Pickard will review the County comments (attached).	17			
7.	Correspondence/Comments received:				
	- None.				
8.	Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?				
	Are there any persons present who wish to make oral and/or written submissions against this application?				
	Those wishing to be notified of decision please leave name and address with secretary-treasurer.				
	Committee:				
	- Comments and questions				
9.	Adjournment.				

COMMITTEE OF ADJUSTMENT

A08/14

The Committee of Adjustment met on Monday, November 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

Manager of Planning and Environment, Mark Van Patter

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: Goetz Seconded by: Burke

THAT the Committee of Adjustment meeting minutes of September 8, 2014 - A07/14 be adopted as presented.

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Application A08/14 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

COMMITTEE OF ADJUSTMENT

A08/14

Page Two

APPLICATION A08/14

Owners/Applicant: Vicki Shaw

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 10, Concession 14 with a civic address of 8451 Highway 89. The subject land is approximately 0.27 ha (0.68 acres).

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the setback and height requirements for an accessory structure. The applicants are proposing to construct a 49 sq.m (528 sq.ft.) detached garage on the subject lands. These variances will facilitate this proposal.

- 4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on October 29, 2014 as well as posted on the property.
- 5. Mr. Van Patter reviewed comments provided by Linda Redmond, dated November 4, 2014.

The variance requested would provide relief from the setback and height requirements for an accessory structure. The applicants are proposing to construct a 528 sq.ft. detached loft style garage. These variances will facilitate this proposal.

It would appear that the proposed location for the detached garage is appropriate given the current site configuration of the house and septic bed. Considering the surrounding land uses (farmland) there appears to be no impact. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property. The Planning Department had no concerns with the relief requested.

Under the Wellington County Official Plan the subject property is designated Prime Agricultural. 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.

COMMITTEE OF ADJUSTMENT

A08/14

Page Three

Under the Wellington North Zoning By-law the subject property is currently zoned Agricultural (A). The applicants are proposing to construct a 49 sq.m (528 sq.ft.) detached garage and are requesting relief from the setback and height requirements for an accessory structure. As such, the following relief would be required:

- 1. A minimum front yard setback of 13.5 m (44.29 ft.), whereas 18 m (59 ft) is required.
- 2. A maximum height for an accessory structure of 5 m (17 ft.), whereas 4.5 m (14.8 ft.) is permitted.
- 6. Correspondence/Comments received:
 - None

7. Questions/Comments

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

The Applicant was not present.

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

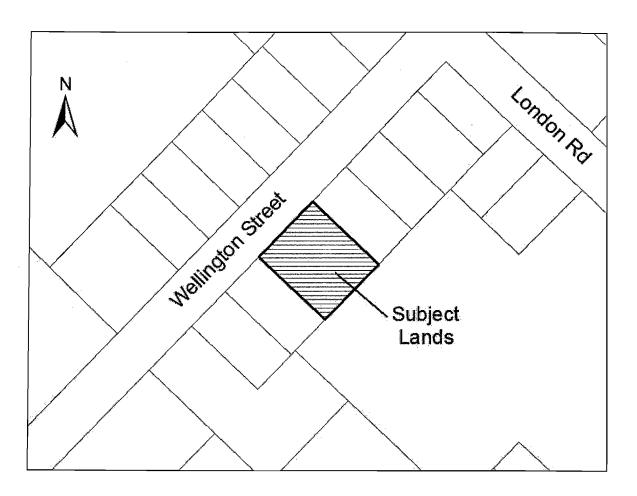
None

COMMITTEE OF ADJUSTMENT

A08/14

Pa ₂	ge	<u>Fo</u>	ur

Moved by: Burke Seconded by: Goetz THAT the minor variance applied for in Application A08/14 be authorized. Resolution No. 2 Carried 8. Adjournment Moved by: Goetz Seconded by: Burke THAT the Committee of Adjustment meeting of November 10, 2014 be adjourned at 7:02 p.m. Resolution No. 3 Carried Chairman Secretary Treasurer



APPLICATION A01/15

Owners/Applicant: Jason Oakes

05

December 15, 2014

Committee of Adjustment Township of Wellington North 7490 Sideroad 7 West, P.O.Box 125 Kenilworth, On NOG 2E0

Attn: Cathy More

Please find enclosed a Minor Variance Application for 480 Wellington St E., Mount Forest, Township of Wellington North, County of Wellington. I've included 3 copies which include the required drawings. The intent of the application is to comply with the consent decision B90/14 to provide relief for the reduced frontage of 13.62 m on the severed portion, and the reduced sideyard of 3.07 m on the retained portion.

The application fee of \$750 is enclosed.

Sulher

If you have any comments or questions, please advise me at <u>bafulcher@hotmail.com</u> or by cell at 519-321-9051.

Yours truly,

Bruce A Fulcher

Enclosures

CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received:
File Number: A 1 / 15 Application Fee Received: \$ 750.00
A. GENERAL INFORMATION
1. *APPLICANT INFORMATION
a. *Registered Owner's Name(s): SASON V. OAKES.
Address: 325 DUBLIN ST. MOUNT FOREST. NOG 2
Phone: Home (5/9-323-1331 Work (5/9 323-1337Fax ()
Email: COUNTRY CARPET AND FURNITURE @ YAHOO.CA.
b. *Applicant (Agent) Name(s): Rouce A. Fuce 4ER
Address: 411/88 SouTHGATE SR41, MT. FOREST NOCZLO
Phone: Home (5/8 <u>323-2099</u> Work (5/8 <u>-321-905/</u> Fax ()
Email: bafulcher@hotmail.com.
c. *Name, Address, Phone No. of all persons having any mortgage charge or encumbrance on the property:
i
ii
iii
d. Send Correspondence To: Owner [] Agent [] Other []
2. *PROVIDE A DESCRIPTION OF THE "ENTIRE" PROPERTY
a. Measurements are in: Metric [/ Imperial [] units
b. Municipal Address: 480 WELLINGTON STIE.
c. Concession: Lot: Registered Plan No.:
d. Area: 122756 M. Depth: 38.1 Frontage (Width): 32.23
e. Width of Road Allowance (if known):
3. *WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?
Provincial Highway [] Continually maintained municipal road [] Right-of-way [] County Road [] Seasonally maintained municipal road [] Water access []
P:\Committee of Adjustment\Minor Variance Application 2013.docx

Page 3 of 8

				_			
	*WHAT IS THE CUR						
	a. Official Plan De	esignation:	Reside	ENTIAL	•		
	b. Zoning:	K	2,0	-		,	
Ē	XSTING AND PROPOS	ED SERVIC	<u>ES</u>				
	*INDICATE THE AP	PLICABLE	WATER SUPPI	Y AND SEV	WAGE DISPO	SAL:	
		Municipal Sewers	Communal Sewers	Private Septic	Municipal Water	Communal Well	Private Well
	a. *Existingb. Proposed	[x]	[] []	[] []	[x] [x]	[] []	[]
	IS STORM DRAINAC	SE PROVIDI	ED BY:				
	a. Storm Sewers	[y] Ditch	es [] Swal	es [] O	ther means (exp	olain below)	[]
		_					
			— OAD OR STRI	EET THAT I	PROVIDES A	CCESS TO TH	 IE SUBJECT
	WHAT IS THE NAM	E OF THE R					
	PROPERTY?		_				
	PROPERTY?		ST. E				
	PROPERTY?		ST. E				
<u>R</u>	PROPERTY?	GTON	ST. E				
<u>R</u>	PROPERTY?	TION	ST. E		LIEF THAT IS	BEING APPL	JED FOR?

10.	*WHY	IS IT NOT POSSIBLE TO COMPI	LY WITH THE PROVISIONS O	F THE BY-LAW?
	(Please	e specifically indicate on sketch)		
	OK	RIGINAL LOT TO S	BE SEVERED K	EQUIRES
	_			
	XISTINO OCATIO	G SUBJECT AND ABUTTING PRODONS	PERTY LAND USES, BUILDIN	GS & THEIR
11.	*WHA	AT IS THE "EXISTING" USE OF:		
	a.	The subject property:	DENTIAL	
	b.	The abutting properties:	DENTIAL.	
12.		VIDE THE FOLLOWING DETAILS ECT LAND:	S FOR ALL BUILDINGS ON O	R PROPOSED FOR THE
	(Please	e use a separate page if necessary.)		
			Existing	Proposed
	a.	Type of building(s) or structure(s)	House	TBD
	b.	Date of construction	< 1880's	TBD.
	c.	Building height	5.5 (m) 18 (ft)	(m)(ft)
	d.	Number of storey's (excluding basement)	1.5	
	e.	Total floor area	132 (sq m) 1420 (sq ft)	(sq m)(sq ft)
	f.	Ground floor area	<u>85.8</u> (sq m) <u>924</u> (sq ft)	(sq m)(sq ft)
	g.	Percent lot coverage	<u>//-5</u> (%)	(%)
	h.	Number of parking spaces	2	
	i.	Number of loading spaces	NA.	

13.	*WHAT IS THE LOCATION OF ALL BUILDINGS EXISTING AND PROPOSED FOR THE
	SUBJECT PROPERTY?

(Please specifically indicate on sketch) **Existing Proposed** TBD a. Distance from building to the: 8.4 (m) 27.6 (ft) (m) i. Front lot line (ft) 2.65 (m) 8.7 (ft) _ __ (m) ii. Side lot line (WEST) ____(ft) ____(m) 3.07 (m) 10.1 (ft) iii. Side lot line (CAST) (ft) 73.5(ft) 22.4 (m) iv. Rear lot line (m) (ft) 14. *DATE OF ACQUISITION OF SUBJECT PROPERTY: DEC 2012. 15. DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: 1975 HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY? 16. SINCE CONSTRUCTION *HAS THE OWNER PREVIOUSLY APPLIED FOR RELIEF IN RESPECT OF THE SUBJECT 17. PROPERTY? YES [] NO [X] IF THE ANSWER IS YES, PLEASE INDICATE THE FILE NUMBER AND DESCRIBE BRIEFLY:

E. <u>APPLICATION DRAWING</u>

- 18. *PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY MOORE APPROPRIATE TO SUBMIT ADDITIONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING:
 - a. Owners' / applicant's name;
 - b. Legal description of property;
 - c. Boundaries and dimensions of the subject property and its current land use;

- d. Dimensions of area of amendment (if not, the entire property);
- e. The size and use of all abutting land;
- f. All existing and proposed parking and loading areas, driveways and lanes;
- g. The nature of any easements or restrictive covenants on the property;
- h. The location of any municipal drains or award drains;
- i. Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- j. The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- k. The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- 1. If access to the subject land is by water only, provide the location of the parking and docking facilities to be used:
- m. Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits); and
- n. The drawing should also include the scale, north arrow and date when the drawing was prepared.

F. OTHER RELATED PLANNING APPLICATIONS

19.	*HAS THE APPLICANT/ OWNER MADE APPLICATION FOR ANY OF THE FOLLOWING ON
	THE SURJECT LAND?

a.	Official Plan Amendment	Yes	[]	No	[*]
b.	Zoning By-law Amendment	Yes	[]	No	[🛉]
c.	Plan of Subdivision	Yes	[]	No	[¥]
d.	Consent (Severance)	Yes	[x]	No	[]

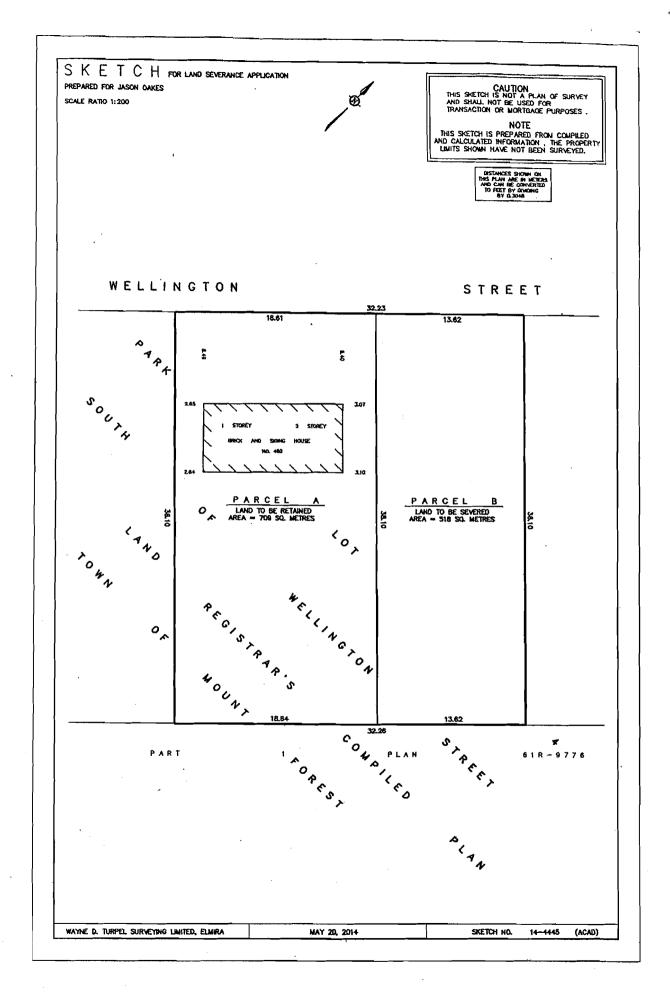
20. *IF THE ANSWER TO QUESTION 18 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

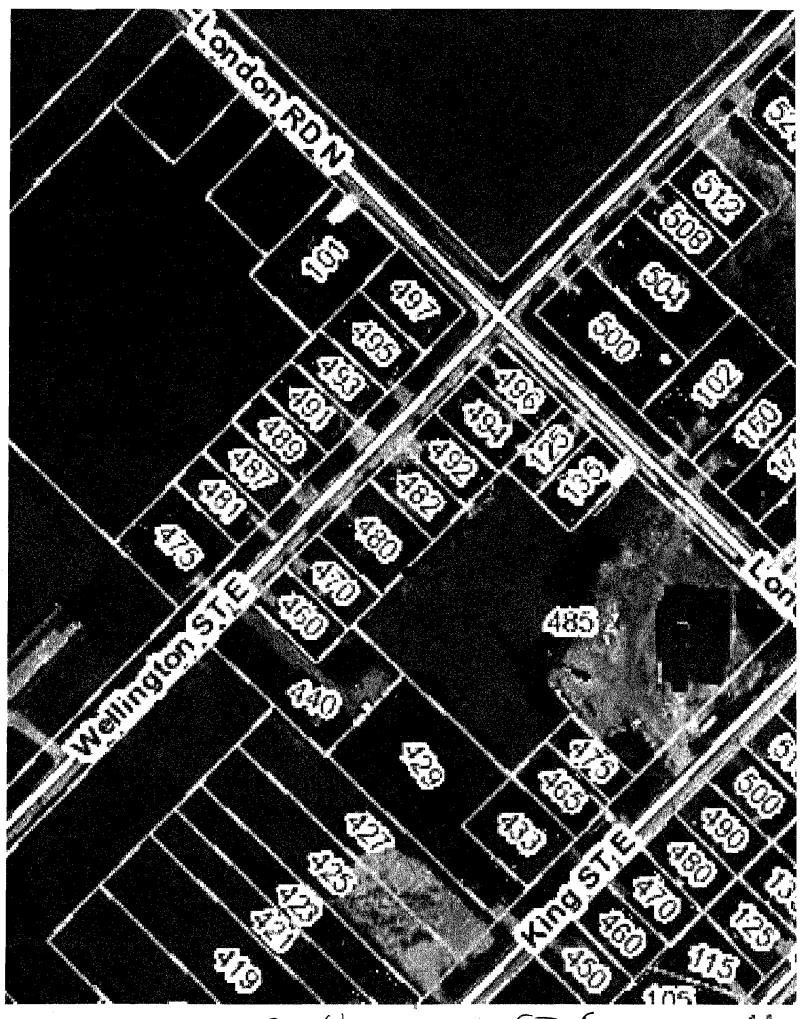
a.	File No. of Application:	390/14			
b.	Purpose of Application:	TO SEVER	A hor.		
c.	Status of Application:	APPROVED	PENDINI	ZONING	RELIEF.

(If affidavit (H) is signed by an Agent / Solicitor on Owner's behalf, the be completed)	Owner's written authorization below must
(Diwe) JASON DAKES of the TWP	OF WELLINGTON NORTH,
County/Region of WELLINGTON do hereby authorize Act as my agent in this application.	Bruce FureHER. to
Signature of Owner(s)	Dec 13/14.
H. *AFFIDAVIT:	Date
(This affidavit be signed in the presence of a Commissioner)	
Q(we) BRUCE FULLHER of the TWP	of Southe ATE,
County/Region of GREY solemnly declare application are true, and I, (we), make this solemn declaration conscient that it is of the same force and effect as if made under oath and by virtue of	lously believing it to be true, and knowing
of Wellington this 16 day of De	on North , County/Region-
of Wellington this 16 day of De	cember , 2014.
Signature of Owner or Authorized Solicitor or Authorized Agent	Dec 16/14 Date
Howen Wellace Signature of Commissioner	Date Date Date
application and fee of \$ $750^{\circ\circ}$ received by mu	UNICIPALITY
Kowen Wallace Signature of Municipal Employee	Dec 16/14 Date
Karren Wallace	
Karren Wallace CLERK OF THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH	

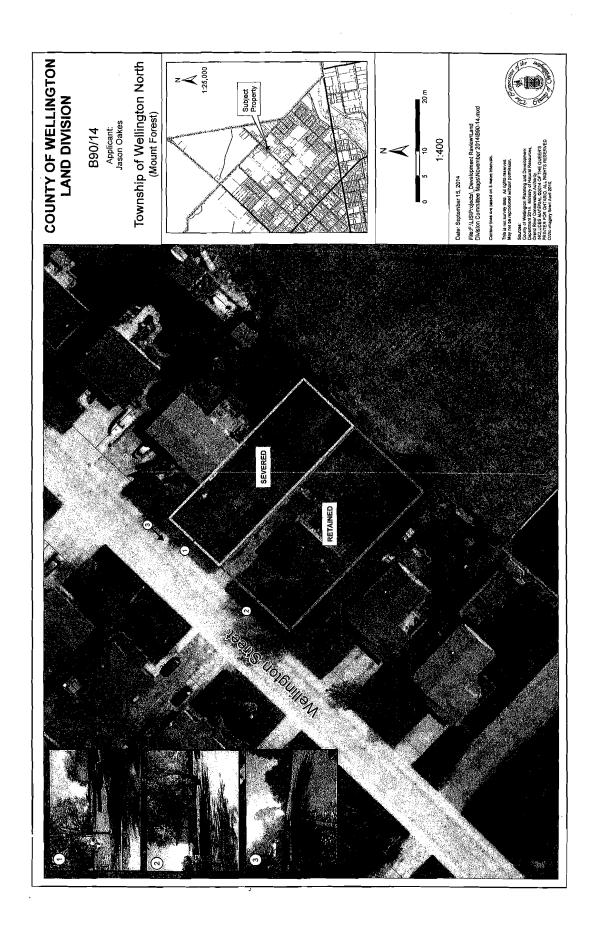
G. <u>AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:</u>

COMMISSIONER FOR TAKING AFFIDAVITS





480 WELLINGTON ST. E.



LRO # 61 Transfer: Power Of Sale

Receipted as WC363148 on 2012 12 28

at 11:26

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd

Page 1 of 2

Properties

PIN

71060 - 0026 LT

Interest/Estate

Fee Simple

Description

PT PKLT 4 S/S WELLINGTON ST PL TOWN OF MOUNT FOREST MOUNT FOREST AS

IN RO730616; WELLINGTON NORTH

Address

480 WELLINGTON STREET EAST

MOUNT FOREST

Source Instruments

Registration No.

Date

Type of Instrument

RO807132

1999 07 02

Charge/Mortgage

WC302752

2011 02 07

Transfer Of Charge

Consideration

Consideration

\$ 129,000.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

MCAP SERVICE CORPORATION

Address for Service

P.O. Box 351, Station C Kitchener, Ontario N2G 3Y9

I, Lori Hmiel, Manager, Default Management have the authority to bind the corporation.

This document is not authorized under Power of Attorney by this party.

Transferee(s)

Capacity

Share

Name

OAKES, JASON VAUGHAN

Registered Owner

Date of Birth

1972 06 20

Address for Service

325 Dublin Street

Mount Forest, Ontario NOG 2L3

Statements

The document is authorized under the charge and the Mortgages Act.

The sale proceedings and transfer comply with the charge, the Mortgages Act , and if applicable the Bankruptcy and Insolvency Act (Canada), the Condominium Act, the Construction Lien Act and the Farm Debt Mediation Act (Canada).

The charge was in default at the time notice of sale was given and continues to be in default and the money has been advanced under the charge.

There are no encumbrances to be deleted

This transaction is not subject to any writs of execution

Title to the land is not subject to spousal rights under the Family Law Act

Schedule: Notice of Sale under Charge was issued September 24, 2012.

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 ADMINISTRÀTION CENTRE 74 WOOLWICH STREET GUELPH, ONTARIO NIH 3T9

January 21st, 2015

Mr. Darren Jones, Chief Building Official Township of Wellington North Committee of Adjustment 7490 Sideroad 7 West Kenilworth, ON NOG 2E0

Dear Mr. Jones,

Re:

Minor Variance Application A01/15 South Part park lot 4, S/S Wellington St. E 480 Wellington Street E. Jason Oakes

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

Planning Opinion:

The variances requested are to provide relief from sections 11.2.2 and 11.2.4 of the zoning by-law to provide relief for a reduced frontage on the proposed severed parcel and a reduced interior side yard on the retained parcel.

We have no concerns with the relief requested at this time. This variance will satisfy a condition of provisional approval for consent applications B90/14. This application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property.

Wellington County Official Plan: The subject property is designated RESIDENTIAL. 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.

Wellington North Zoning By-law: The subject lands are zoned single family Residential (R1C). The property received provisional approval from the County Land Division Committee to sever the parcel in half to create two Residential lots. The parcel to be retained is occupied by a dwelling and requires a variance to the side yard setback where the new lot line is proposed. The vacant parcel does not meet the minimum frontage. As conditions of the consent approval the following variances are required:

- 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.

Planning Consideration

The properties immediately adjacent to the subject lands range in size and width as well as housing style. The proposed lot would be the smallest lot in the immediate area; however it does exceed the minimum lot area requirements of the R1C zone. The proposed lot area is 518 m² (5, 575 ft²), whereas the minimum required lot area is 465 m² (5005.4 ft²) an increase of 53 m² (570 ft²) from what is required. The configuration of the proposed lot would provide a consistent lot depth and an above standard lot area, allowing any development to be sited similarly to neighbouring dwellings.

New growth is guided by Provincial Policy which is placing increasing pressure on municipalities to develop in a more compact and efficient way, which includes infilling. The development trend will be towards smaller lots and compact development as seen in developments south of the subject property and similar to this proposal. Compatible development is not considered to be identical development but rather development which can co-exist with existing adjacent development while not creating unacceptable impacts.

This proposal would allow for an underutilized parcel to be developed, while taking advantage of existing municipal infrastructure to service it. The new dwelling will be able to be constructed on the lot, subject to the R1C zone provisions, with a compatible lot depth and housing style similar to its surroundings.

We are satisfied that this application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and would be desirable and appropriate for the development of the subject property.

I trust that these comments will be of assistance to the Committee in their consideration of this matter.

Yours truly,

Jameson Pickard, BURPL.

Jameson Pickard

Junior Planner



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada NOG 1W0 Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (djones@wellington-north.com)

January 21, 2015

Township of Wellington North Committee of Adjustment Building & Zoning Department 7490 Sideroad 7, West Kennilworth, ON NOG 2E0

ATTENTION:

Darren Jones, CBO

Dear Mr. Jones,

RE:

Proposed Minor Variance A1/15

480 Wellington Street East

Part Park Lot 4, \$/\$ Wellington Street Geographic Town of Mount Forest

Town of Wellington North

(Jason Oakes)

The Saugeen Valley Conservation Authority (SVCA) has reviewed this proposed minor variance in accordance with the SVCA's mandate and policies. The purpose of this application is to provide relief from the minimum frontage and interior side yard setback requirements of the Zoning By-law. The subject property received provisional approval to create one residential lot subject to conditions; this application will satisfy conditions related to the provisionally approved consent application. Authority staff provided comments dated October 20, 2014 regarding the associated Application for Consent (B90/14). Please refer to that letter for details on the subject property. The proposed minor variance is acceptable to the SVCA.

All of the plan review functions have been assessed with respect to this proposal. The Authority is of the opinion that the proposed minor variance appears to conform to the relevant policies of the Wellington County Official Plan, and Provincial Policies.

We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Valuis Lamons

Valerie Lamont Environmental Planning Technician (Acting) Saugeen Conservation



Township of Wellington North Committee of Adjustment A1/15 (Jason Oakes)
January 21, 2015
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cc: Jason Oakes, Owner (325 Dublin Street, Mount Forest, ON, NOG 2L0)
Bruce Fulcher, Agent (411199 Southgate Sideroad 41, Mount Forest, NOG 2L0)
Steve McCabe, SVCA Director (via email)