



Township of Wellington North

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

Committee of Adjustment

Monday, November 10, 2014 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

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, A07/14 (attached)	1
<p><u>APPLICATION A08/14</u></p>	
<p>Owners/Applicant: Vicki Shaw</p>	
<p>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 location of the property is shown on the map attached.</p> <p>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.</p>	7
<ol style="list-style-type: none">4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on October 29, 2014 as well as posted on the property.	
<ol style="list-style-type: none">5. Application for a Minor Variance.	8
<ol style="list-style-type: none">6. Township Planner – Linda Redmond will review the County comments (attached).	17

AGENDA ITEM	PAGE NO.
<p>7. Correspondence/Comments received:</p> <ul style="list-style-type: none">- None. <p>8. 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>9. Adjournment.</p>	

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A07/14

Page Two

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.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A07/14

Page Three

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:

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A07/14

Page Four

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.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A07/14

Page Five

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

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A07/14

Page Six

8. Adjournment

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

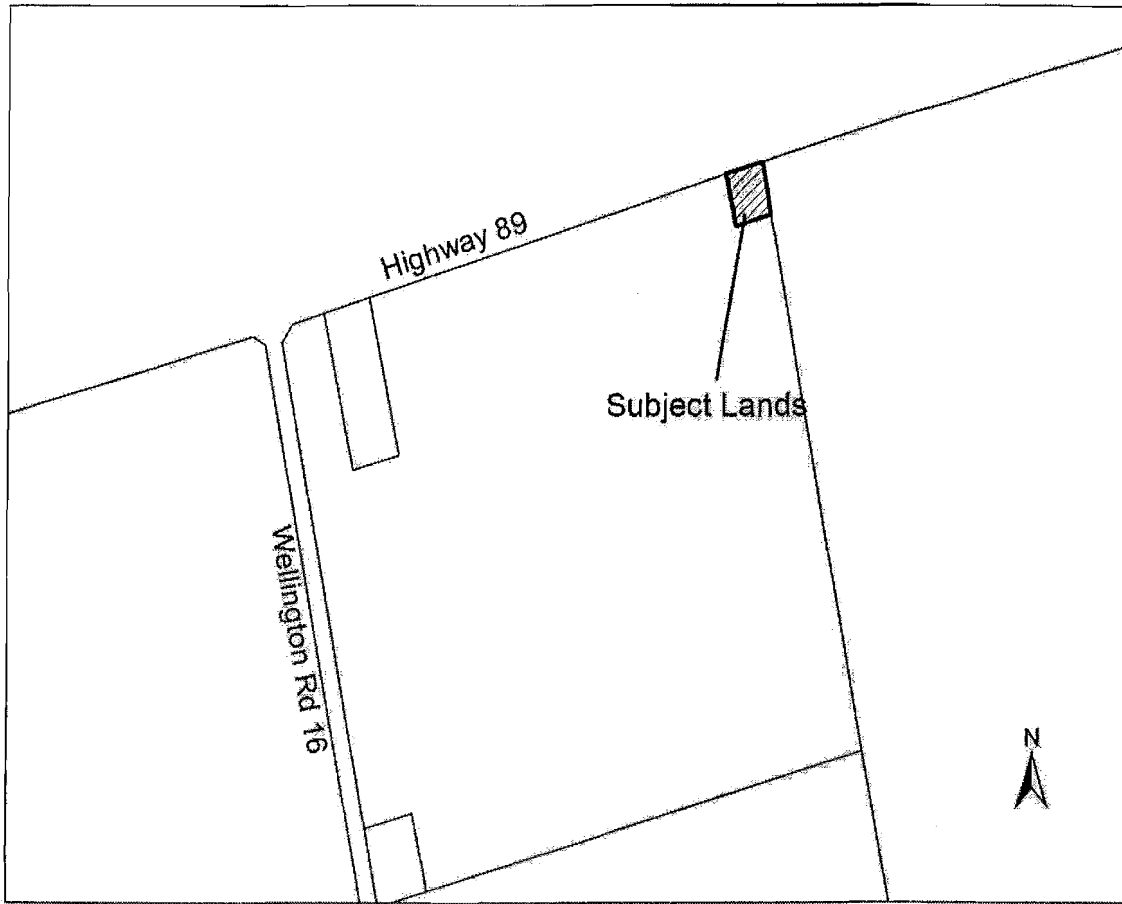
THAT the Committee of Adjustment meeting of September 8, 2014 be adjourned at 7:05 p.m.

Resolution No. 3

Carried

Secretary Treasurer

Chairman



APPLICATION A08/14

Owners/Applicant: Vicki Shaw

CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: September 30, 2014

Roll No.: 23-49-000-016-14850-000

File Number: A 08 / 14

Application Fee Received: \$ 750.00

A. GENERAL INFORMATION

1. *APPLICANT INFORMATION

a. *Registered Owner's Name(s): Vicki Shaw

Address: 8451 Hwy 89 RRA Conn, NOG 1N0

Phone: Home (89) 323-9235 Work () Fax ()

Email: Jason 519 323 6863 cell

b. *Applicant (Agent) Name(s): Jason Shaw, Vicki Shaw

Address: 8451 Hwy 89 RRA Conn, NOG 1N0

Phone: Home (89) 323-9235 Work () Fax ()

Email: _____

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: 8451 Hwy 89 RRA Conn out NOG 1N0

c. Concession: 14 Lot: 10 Registered Plan No.: _____

d. Area: _____ Depth: _____ Frontage (Width): _____

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

4. *IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD.

(This information should be illustrated on the required drawing under item E of this application.)

5. *WHAT IS THE CURRENT OFFICIAL PLAN AND ZONING STATUS?

a. Official Plan Designation: _____

b. Zoning: residential

B. EXSTING AND PROPOSED SERVICES

6. *INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Sewers	Communal Sewers	Private Septic	Municipal Water	Communal Well	Private Well
a. *Existing	[]	[]	[<input checked="" type="checkbox"/>]	[]	[]	[<input checked="" type="checkbox"/>]
b. Proposed	[]	[]	[]	[]	[]	[]

7. IS STORM DRAINAGE PROVIDED BY:

a. Storm Sewers [] Ditches [] Swales [] Other means (explain below) []

8. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?

Hwy 89.

C. REASON FOR APPLICATION

9. *WHAT IS THE NATURE AND THE EXTENT OF THE RELIEF THAT IS BEING APPLIED FOR?

(Please specifically indicate on sketch)

TO REDUCE FRONT YARD SET BACK

10. *WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE BY-LAW?

(Please specifically indicate on sketch)

THE HOUSE PLACEMENT + SETBACK PLACEMENT +
PAVED WAY

D. EXISTING SUBJECT AND ABUTTING PROPERTY LAND USES, BUILDINGS & THEIR LOCATIONS

11. *WHAT IS THE "EXISTING" USE OF:

- a. The subject property: RESIDENTIAL
- b. The abutting properties: AGRICULTURAL

12. *PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS ON OR PROPOSED FOR THE SUBJECT LAND:

(Please use a separate page if necessary.)

	Existing	Proposed
a. Type of building(s) or structure(s)	<u>HOUSE</u>	<u>GARAGE</u>
b. Date of construction	<u>2004</u>	<u>?</u>
c. Building height	_____ (m) _____ (ft)	_____ (m) <u>20</u> (ft)
d. Number of storey's (excluding basement)	_____	<u>1 + LOFT</u>
e. Total floor area	_____ (sq m) _____ (sq ft)	_____ (sq m) <u>528</u> (sq ft)
f. Ground floor area	_____ (sq m) _____ (sq ft)	_____ (sq m) _____ (sq ft)
g. Percent lot coverage	<u>/</u> (%)	_____ (%)
h. Number of parking spaces	<u>/</u>	_____
i. Number of loading spaces	<u>/</u>	_____

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

(Please specifically indicate on sketch)

	Existing		Proposed	
a. Distance from building to the:				
i. Front lot line	<u>24.</u> (m)	_____ (ft)	<u>13.5</u> (m)	_____ (ft)
ii. Side lot line	_____ (m)	_____ (ft)	_____ (m)	<u>2</u> (ft)
iii. Side lot line	_____ (m)	<u>22</u> (ft)	_____ (m)	_____ (ft)
iv. Rear lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)

14. *DATE OF ACQUISITION OF SUBJECT PROPERTY:

Apr 2006

15. DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY:

Apr 2002

16. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY?

17. *HAS THE OWNER PREVIOUSLY APPLIED FOR RELIEF IN RESPECT OF THE SUBJECT PROPERTY?

YES [] NO []

IF THE ANSWER IS YES, PLEASE INDICATE THE FILE NUMBER AND DESCRIBE BRIEFLY:

E. APPLICATION DRAWING

18. *PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY MOORE APPROPRIATE TO SUBMIT ADDITONAL 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;
- l. 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 SUBJECT LAND?

- | | | | | |
|----------------------------|-----|-----|----|-----|
| a. Official Plan Amendment | Yes | [] | No | [✓] |
| b. Zoning By-law Amendment | Yes | [] | No | [✓] |
| c. Plan of Subdivision | Yes | [] | No | [✓] |
| d. Consent (Severance) | Yes | [] | No | [✓] |

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

- a. File No. of Application: _____
- b. Purpose of Application: _____
- c. Status of Application: _____

G. AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:

(If affidavit (H) is signed by an Agent / Solicitor on Owner's behalf, the Owner's written authorization below must be completed)

I (we) _____ of the _____ of _____,
County/Region of _____ do hereby authorize _____ to
Act as my agent in this application.

Signature of Owner(s)

Date

H. *AFFIDAVIT:

(This affidavit be signed in the presence of a Commissioner)

I (we) Vicki
Jason Shaw of the Township of Wellington North,

County/Region of Wellington solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

DECLARED before me at the Township of Wellington North, County/~~Region~~
of Wellington North this 29 day of September, 2014.

[Signature]
Signature of Owner or Authorized Solicitor or Authorized Agent

Sept 30'14.
Date

[Signature]
Signature of Commissioner

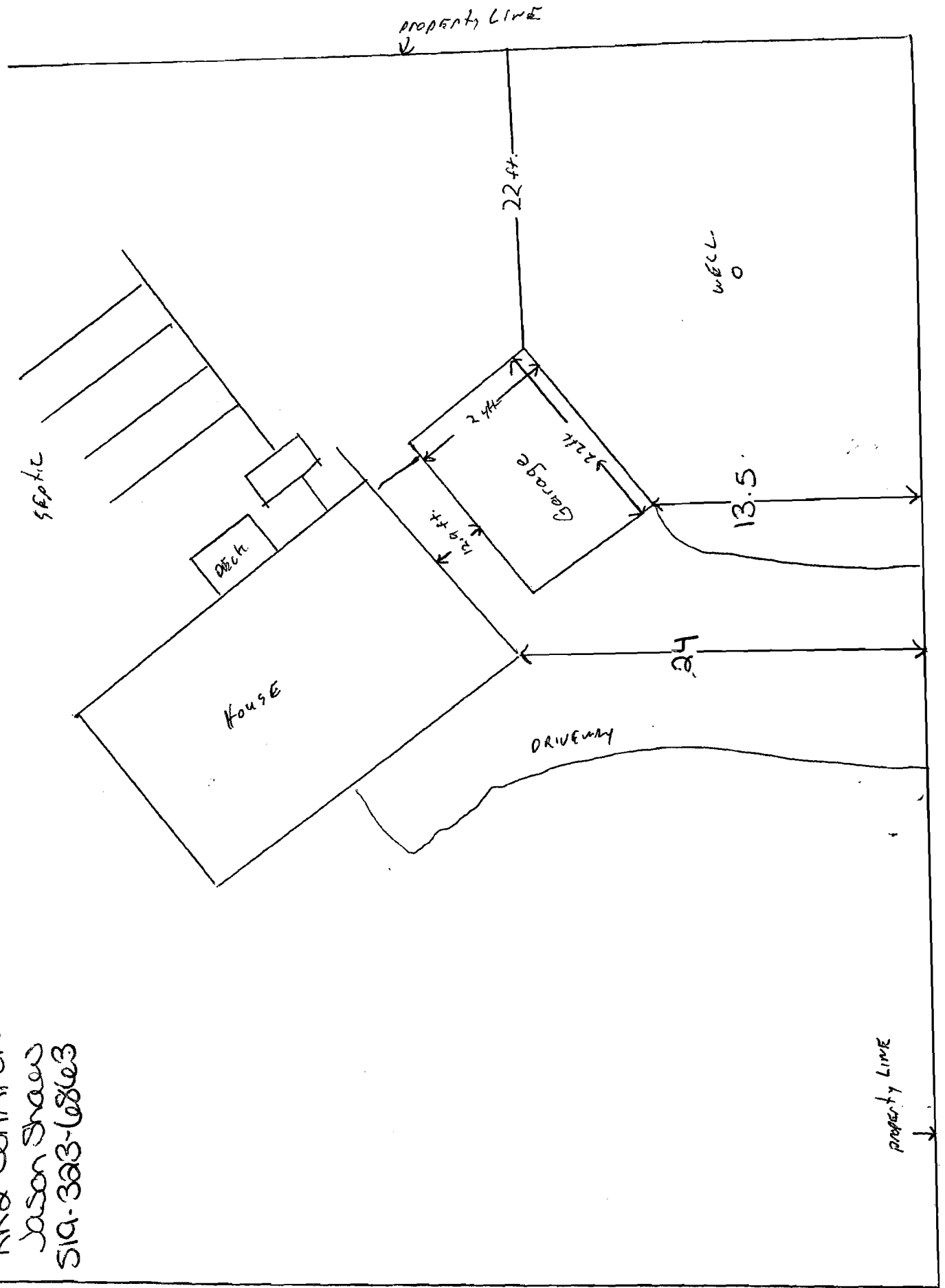
Sept-30/2014
Date

APPLICATION AND FEE OF \$ 750⁰⁰ RECEIVED BY MUNICIPALITY

[Signature]
Signature of Municipal Employee

Sept. 30, 2014
Date

0451 Hwy 89
RR2 Conn, on
Jason Shaw
519-323-6863

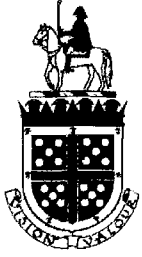


Hwy 89.

Building and Land Use Permit Conditions

This permit is subject to the following conditional/supplementary conditions established by the Ministry:

1. In addition to the conditions of this permit, the owner must comply with the requirements of the local municipal zoning ordinance, having jurisdiction.
2. The work to be done under this permit is subject to the following conditions:
 - a. All work related to the building or the structure to be erected under this permit shall be carried out in accordance with the applicable code specifications and requirements and submitted to a certified engineer. The contractor must also obtain all necessary permits from the Ministry.
 - b. Vegetation to be removed or cut must be replanted with a minimum of 100% replacement of the original vegetation. A written permit is required for the removal of trees with a diameter greater than 10 cm (4 inches) at 1.37 m (4.5 feet) above ground level.
 - c. The use of the land and buildings shall comply with the zoning ordinance of the permit. The use of the land or buildings for any other purpose may result in the cancellation of this permit. A written permit is required for any land or buildings that require a new permit.
3. The contractor must obtain all necessary permits from the Ministry.
4. All work related to the building or the structure to be erected under this permit shall be carried out in accordance with the applicable code specifications and requirements and submitted to a certified engineer. The contractor must also obtain all necessary permits from the Ministry.
5. Vegetation to be removed or cut must be replanted with a minimum of 100% replacement of the original vegetation. A written permit is required for the removal of trees with a diameter greater than 10 cm (4 inches) at 1.37 m (4.5 feet) above ground level.
6. The use of the land and buildings shall comply with the zoning ordinance of the permit. The use of the land or buildings for any other purpose may result in the cancellation of this permit. A written permit is required for any land or buildings that require a new permit.



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

November 4th, 2014

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 A08/14**
Part lot 10, Concession 14
8451 Highway 89
Shaw

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

Planning Opinion: 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. We have no concerns with the relief requested at this time.

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.

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.

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

Yours truly,

Linda Redmond, B.A.
Senior Planner