



Township of Wellington North

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

Committee of Adjustment

Monday, March 9, 2015 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

Page 1 of 4

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, A01/15 (attached)	1
<p><u>APPLICATION A02/15</u></p>	
<p>Owners/Applicant: Richard Bartling</p>	
<p>THE LOCATION OF THE SUBJECT PROPERTY is described as Part Park Lot 5, Crown Survey, Geographic Arthur Village, with a civic address of 7890 Wellington Road 109. The subject land is approximately 2.42 ha (5.98 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 Section 6.1.5 which prohibits the construction of accessory buildings on any lot until the main building has commenced construction. Further variances may be required to address the location of the structure within the Natural Environment. The applicant has constructed a 28.4 sq.m (306 sq.ft) accessory structure on a vacant lot.</p>	5
<ol style="list-style-type: none">4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on February 13, 2015 as well as posted on the property.	
<ol style="list-style-type: none">5. Application for a Minor Variance.	7
<ol style="list-style-type: none">6. Township Planner – Linda Redmond will review the County Comments (attached)	32

AGENDA ITEM	PAGE NO.
<p>7. Correspondence/Comments received:</p> <ul style="list-style-type: none">- Andrew Herreman, Resource Planner, GRCA- No objection. <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>34</p>

AGENDA ITEM	PAGE NO.
<p><u>APPLICATION A03/15</u></p> <p>Owners/Applicant: Alaudin and Almas Ramji</p> <p>THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lots 5 & 6, Concession 7, geographic Arthur Township, with a civic address of 9450 Concession 6 North. The subject land is approximately 60.7 ha (150 acres) and is occupied by a farm operation. 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 Minimum Distance Separation II (MDS II) setback requirements. The applicants are proposing to construct an addition onto their existing poultry barn and cannot meet the required distances from the nearest neighbours dwelling and the road allowance. This application will also consider any other deficiencies that may be present.</p> <p>9. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on February 13, 2015 as well as posted on the property.</p> <p>10. Application for a Minor Variance.</p> <p>11. Township Planner – Linda Redmond will review the County Comments (attached)</p> <p>12. Correspondence/Comments received:</p> <ul style="list-style-type: none"> - Valerie Lamont, Environmental Planning Technician, SVCA - No objection. <p>13. 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>37</p> <p>38</p> <p>46</p> <p>48</p>

AGENDA ITEM	PAGE NO.
14. Adjournment	

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JANUARY 26, 2015
A01/15**

The Committee of Adjustment met at the Kenilworth Municipal Office Council Chambers at 7:00 p.m.

Members Present: Chairman: **Andy Lennox**
 Sherry Burke
 Mark Goetz
 Steve McCabe
 Dan Yake

Also Present: **Secretary-Treasurer, Karren Wallace**
 C.A.O./Deputy Clerk, Michael Givens
 Junior Planner, Jameson Pickard
 Treasurer, Paul Dowber
 Business Economic Manager, Dale Small
 Tourism, Marketing & Tourism Manager, April Marshall
 Administrative Support, Michelle Stone

THE CHAIRMAN CALLED THE MEETING TO ORDER

RESOLUTION NUMBER CoA 2015-001

Moved by: Yake

Seconded by: McCabe

THAT the agenda for the January 26, 2015 Committee of Adjustment meeting be accepted and passed.

CARRIED

**DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE
THEREOF**

None Reported

MINUTES

RESOLUTION NUMBER CoA 2015-002

Moved by: McCabe

Seconded by: Yake

THAT the Committee of Adjustment meeting minutes of November 8, 2014 – A08/14 be adopted as presented.

CARRIED

The public meeting is held to consider Minor Variance Application A01/15 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JANUARY 26, 2015
A01/15**

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 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.

The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on January 14, 2015 as well as posted on the property.

Mr. Jameson Pickard, Junior Planner for the Township of Wellington North reviewed his comments dated January 21, 2015.

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.

The Planning Department had 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:

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, JANUARY 26, 2015
A01/15**

- 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.

The Planning Department is 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.

CORRESPONDENCE/COMMENTS RECEIVED

Saugeen Valley Conservation Authority (SVCA), correspondence dated January 21, 2015
Advised the proposed minor variance is acceptable to the SVCA.

Harry Engel, 470 Wellington St. E, Mount Forest, correspondence dated received by Wellington North January 23, 2015 and circulated at the public meeting.
Opposed to the application based on unsuitability with the neighbourhood; setting precedent for other severances; esthetics and values of neighbouring properties and drainage issues.

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
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A01/15**

QUESTIONS/COMMENTS

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

Bruce Fulcher, R.R. # 2 Mount Forest, agent for the applicant was present to answer questions regarding the application and addressed concerns about the lot size and effect on existing neighbourhood as well as the drainage issue.

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

Harry Engel, 470 Wellington Street East, Mount Forest raised objections and cited a petition neighbours had signed objecting to the severance.

- Those wishing to be notified of the decision were asked leave their name and address with the secretary-treasurer.
- Committee – Comments and Questions
The Committee requested that the Application be deferred so that outstanding issues can be resolved.

RESOLUTION NUMBER CoA 2015-003

Moved by: Councillor Burke

Seconded by: Councillor Goetz

THAT the minor variance applied for in Application A01/15 be deferred.

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2015-004

Moved by: Yake

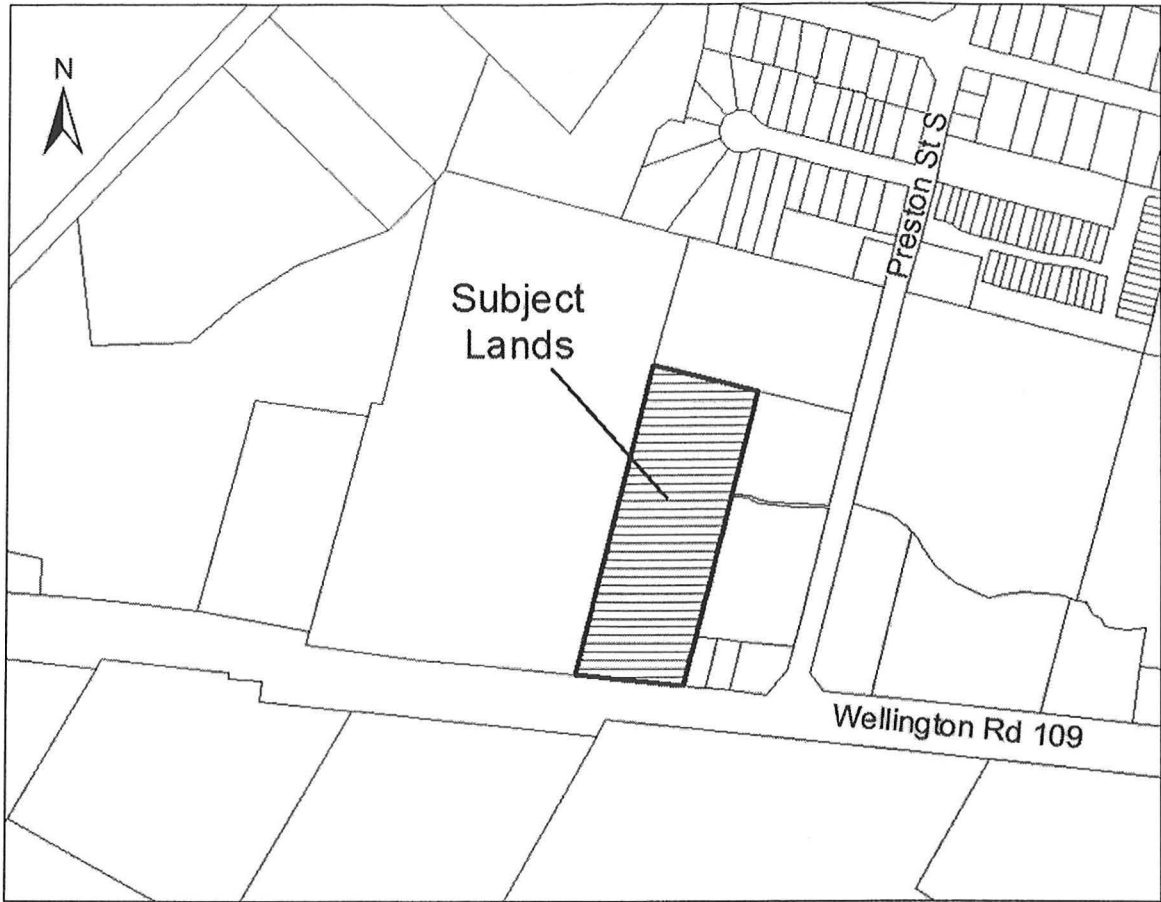
Seconded by: McCabe

THAT the Committee of Adjustment meeting of January 26, 2015 be adjourned at 7:26 p.m.

CARRIED

Secretary Treasurer

Chairman



APPLICATION A02/15

Owners/Applicant: Richard Bartling

CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: January 2/15
File Number: A 02/15

Roll No.: 23-49-000-012-01715-0000
Application Fee Received: \$ 750.00

A. GENERAL INFORMATION

1. *APPLICANT INFORMATION

- a. *Registered Owner's Name(s): RICHARD BARTLING
Address: 6112 MERLIN COURT, MIDLAND, MICHIGAN, USA, 48640
Phone: Home 989 859-3093 Work 989 839-9979 Fax 989 839-9553
Email: rbarbling@midlandomas.com
- b. *Applicant (Agent) Name(s): _____
Address: NONE
Phone: Home () _____ Work () _____ Fax () _____
Email: _____
- c. *Name, Address, Phone No. of all persons having any mortgage charge or encumbrance on the property:
 - i. _____
 - ii. NONE
 - 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: 07890 WELLINGTON ROAD 109
- c. Concession: CROWN SURVEY Lot: PART PARK LOT 5 Registered Plan No.: N/A
- d. Area: 5.98 ACRES Depth: 888.38 Frontage (Width): 288.99
- e. Width of Road Allowance (if known): 98.4

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.)

N/A

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

- a. Official Plan Designation: FUTURE DEVELOPMENT AND CORE GREENLANDS
- b. Zoning: FUTURE DEVELOPMENT (FD), AND NATURAL ENVIRONMENT (NE)

B. EXISTING AND PROPOSED SERVICES

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

	Municipal Sewers	Communal Sewers	Private Septic	Municipal Water	Communal Well	Private Well
a. *Existing	[]	[]	<u>NONE</u>	[]	[]	[]
b. Proposed	[]	[]	[]	[]	[]	[]

7. IS STORM DRAINAGE PROVIDED BY:

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

TILE DRAINS

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

WELLINGTON ROAD 109

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)

LAND MAINTENANCE SHED

SEE LETTER, PHOTOS, DRAWINGS + MAPS SUPPLIED

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

(Please specifically indicate on sketch)

CURRENT ZONING DOES NOT PERMIT A SHED
PLEASE SEE SUPPLIED LETTER

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

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

- a. The subject property: RECREATIONAL
 b. The abutting properties: RESIDENTIAL, AGRICULTURAL AND LANDFILL

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>PRE FABRICATED METAL DOME SHED</u>	<u>N/A</u>
b. Date of construction	<u>10/23/14</u>	_____
c. Building height	_____ (m) <u>12</u> (ft)	_____ (m) _____ (ft)
d. Number of storey's (excluding basement)	<u>ONE</u>	_____
e. Total floor area	_____ (sq m) <u>306.00</u> (sq ft)	_____ (sq m) _____ (sq ft)
f. Ground floor area	_____ (sq m) <u>306.00</u> (sq ft)	_____ (sq m) _____ (sq ft)
g. Percent lot coverage	<u>0.12</u> (%)	_____ (%)
h. Number of parking spaces	<u>N/A</u>	_____
i. Number of loading spaces	<u>N/A</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 (SOUTH)	112 (m) _____ (ft)	_____ (m) _____ (ft)
ii. Side lot line (WEST)	25 (m) _____ (ft)	_____ (m) _____ (ft)
iii. Side lot line (EAST)	70 (m) _____ (ft)	_____ (m) _____ (ft)
iv. Rear lot line (NORTH)	182 (m) _____ (ft)	_____ (m) _____ (ft)

14. *DATE OF ACQUISITION OF SUBJECT PROPERTY: WILLED TO ME JAN 8, 2008 OWNED BY MY FAMILY SINCE THE 1960'S

15. DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: PRESENT BUILDING (MAINTENANCE SHED) IS THE ONLY ONE

16. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY? FARMING UNTIL 1976, RECREATION SINCE

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: N/A
- 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:

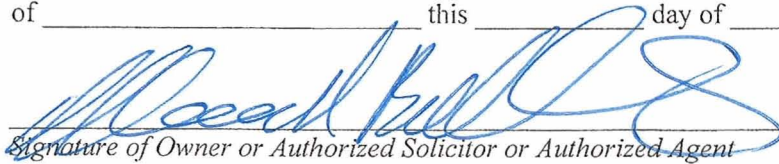
(This affidavit be signed in the presence of a Commissioner)

I (we) _____ of the _____ of _____,

County/Region of _____ 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 _____ of _____, County/Region

of _____ this _____ day of _____.



Signature of Owner or Authorized Solicitor or Authorized Agent

DEC 12/14

Date

Signature of Commissioner

Date

APPLICATION AND FEE OF \$ _____ RECEIVED BY MUNICIPALITY

Signature of Municipal Employee

Date

Midland Oral and Maxillofacial Surgery, P.C. Mt. Pleasant Oral and Maxillofacial Surgery

Larry J. Skoczylas, D.D.S., M.S.
Richard J. Poupard, D.D.S.
Richard P. Bartling, D.D.S.
Board Certified, American Board
of Oral and Maxillofacial Surgery



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Dec 15, 2014.

Richard Bartling
6112 Merlin Court
Midland, Michigan, 48640
U.S.A.

Citizen of: Canada

Property Description:
07890 Wellington Road (Highway #9 / RR#4 / Catherine Street) 109
Survey Crown Pt Park Lot 5.
Arthur, Ontario, Canada.

RE: Application for Permits

To Whom It May Concern:

I am supplying this supplementary document in addition to the filled out application(s) for the permit(s). It will help explain the history of this situation, and why I am now applying for the permit(s) in question.

The land, was originally purchased by my grandparents in the early 1960's and has been in my family for three generations. It was purchased from William Wales, the farmer directly across Wellington Road 109. My grandparents farmed the land yearly. They farmed it subsistence style, unlike modern single crop / animal farms.

My grandfather died at the age of 66. Instead of willing it to his wife or my mother, he pledged to will the plot directly to me, as long as I promised to keep the land in our family, and ensured my children played on it. He felt it was important (as do I) for city kids to experience rural culture and learn about nature. So I ended up with the property.

When my grandparents farmed the land it had many buildings; a three-room house, an attached summer kitchen with a concrete floor, a barn, two storage sheds, a pigpen with a cement floor, a chicken coop, a turkey coop, and two more buildings that housed ducks and geese. All of the aforementioned structures were built within the tree line that exists now. They were closer to the river than the current structure which is in question.

They also tilled and planted large gardens at the front/south end of the property from the property line near Wellington Road 109, north to half way down to the current tree line. There was also a second garden on the north side of the river. On the flood plain up to the north end tree line.

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The property at that time had some fruit trees, a concrete pipe lined water well, a pump to bring water up from the river for irrigation, fencing all the way around, wooden telephone poles and hydro power to all the buildings. The ducks, geese and cows went down to the river, and were partially fed naturally by the resources in and around the river.

My grandfather died while I was in high school. My grandmother and I continued to crop farm the land for 2 years, but she became too old to continue. I then became a teen with rural land that I could use any way I wanted. So my high school friends and I started coming up to the property several times each year. We swam, hiked, had bonfires etc. We even came up twice for New Year's Eve parties. The annual pilgrimage to the property became a tradition for myself my 10 closest friends.

The tradition has continued for 30 years up to the present. Over that time, the structures on the property became unsafe, fell into disrepair, became an eyesore, harbored wild animals and were broken into several times. The dwelling was vandalized and used as a party spot by Arthur locals. During one break in, the oven was used for heating, and it started a fire which burned down the summer kitchen and part of the living room.

I realized that the main structure was a fire hazard for the individuals breaking into it, the forest around it, and my neighbor's properties/forests and structures. I voluntarily, with the help of my 10 friends, dismantled and demolished all the structures over a 10-15 year period during summer visits.

I also removed all the barbed wire fences that were in a state of disrepair. I had the hydro turned off. The electrical lines were removed. I did away with the telephone poles. Since my neighbors lived year-round next to the property, if they felt something needed to be removed, I did it. My friends and I also cleared out dead trees, and removed many old fence posts and rails, and used them as firewood. All of that has helped to clean up the property.

For many years, until about 2012, I allowed my neighbor to the east to store his construction equipment/materials on my property. In exchange, the grass field on the south side of the property (facing Wellington Road 109) was mowed regularly. That has stopped since Joe DeToro moved in next door to the east.

I had some plans to begin putting up new fences, to help define the property, and to keep my two neighbors horses from possibly getting onto my land and running onto Wellington Road 109. However, I was contacted a few years ago by the Arthur Pubic Walking Trail Comity and asked if I would volunteer my land to make the trail possible. My property was in the middle of the proposed trail length. If I did not agree, the entire trail idea might have been unfeasible. I felt it was another way for the land to be enjoyed as my Grandfather had envisioned. I agreed. The trail has been constructed. I have seen people walking on it. My friends use it. I use it with my children. Its existence has nullified my previous idea about fencing in the property.

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Over the years, as buildings vanished, my yearly trip with my friends turned from a cottage weekend to a camping experience. We sleep in tents or our vehicles now. Twice in the last 10 years, it rained the entire weekend. Our fires and BBQ's went out. Our stereo and lights shorted out. Our tents flooded etc. etc. It's been almost impossible to have a good time on several occasions due to bad rain. As we are all getting older, it's getting difficult to camp outside completely exposed. I began to think of a way to allow our tradition to continue with less difficulties. More recently, I have also begun camping on the property with my two kids. I promised my Grandfather I would. I wanted to find a way to make things easier on those weekends as well.

Early this year, I began to explore a way to make it more enjoyable to camp on the property. The timing was right, because my friends and I turn 50 years old next year. So it was my way to ensure that we would likely celebrate our 50th birthdays on the property in 2015.

I decided to construct a cement platform, on top of which, we could place tents, gazebos, tables, and anything else we needed to stabilize and get up and off of the wet grass.

I scouted a location that was the south side of the property, and south of the tree line. The location I choose has never been in the river flood plain since my family has owned the property. That's because within the trees north of the structure (south of the river), there is a hill that drops about 21 feet (according to the Grand River Conservation Authority online topographic map) down to the river flood plain. I picked a location that would not be hit by any falling trees from my property or my western neighbor's property. I chose the highest point on the grass field in front of the tree line to avoid standing water or flooding over the slab. Also, as a child, I remembered that Mr. William Wales had told my grandfather that that area was tiled. The present slab location is father away from the river than all the previous structures had been, including the well. The cement slabs of the previous pig pen and the summer kitchen can still be found today, closer to the river and within the tree line.

I hired Intercounty Interlock, an Arthur company to pour the concrete slab. They were familiar with the property and felt the location was good. They removed the top soil and some clay. They put in a gravel base, and poured a 19 foot x 19 foot slab reinforced with rebar. As no structure was planned at that time, no provisions were put in for any water, electricity or sewage.

In early 2014 my friends found out about the slab plans. Unbeknownst to me, my friends got together and decided that they would purchase a structure to be placed on top of the cement slab, as a 50th birthday gift to all of us, because they realized I had played for all the taxes, upkeep etc. over the years, and they had enjoyed the spot for free.

Midland Oral and Maxillofacial Surgery, P.C. Mt. Pleasant Oral and Maxillofacial Surgery

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Maxillofacial Surgeons

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They did some research, and found several companies that made prefabricated sheds that would fit and were within their budget. They contacted me in late spring 2014. I was quite surprised and honored by the offer. They presented a few options. I told them immediately that I would not be interested in putting up any structure that was made from brick, wood, plastic, fiberglass or metal that can rust. I told them I wanted something that would last for generations, and would not deteriorate into an eyesore for my neighbors.

My friends found Pioneer Steel in Hamilton. I was a bit surprised that they were willing to continue the offer, as the price went up. I contacted Pioneer Steel and gave them the concrete slab specifications and location compared to the trees. Their engineer's custom designed a maintenance shed that fit the slab and its location, and was designed for Arthur snow loads.

We had very little time to get the structure ordered, so, it could be delivered in time to arrive on our annual weekend together in September. We knew the cost of the project could be lowered if we all spent our annual weekend assembling it. Our annual weekend is usually planned by November the year before. Planning it very early is the only way that all 11 of us can get time away from our family and work commitments. So, the weekend was set, and we had to move fast in order to have the building fabricated in time.

I never thought that I did not have the right to put up a maintenance shed on my own property. As far as I knew the zoning had not changed since my Grandfather's time. The property had had many buildings in the past. I assumed one new building was allowed.

The previous three room dwelling was one of the first buildings demolished in the past, because it was being broken into, vandalized and had almost burnt down once. Therefore, for many years, there were multiple sheds on the property without a house on the property, and no one complained about sheds without a dwelling. The new structure was planned in a spot that was further away from, and not within the flood plain of the river. It was outside of the tree line. It would have no water, sewage or electrical supply connected to it. It would not house any livestock. It seemed to me, to have minimal or no environmental impact, especially compared to what was on the property before.

I did take my neighbors into consideration and quickly had a letter of intent drafted up and sent to all of my neighbors that would see the building. It described the building and its location and orientation. It included links to Pioneer Steel with the building code number. I got back signed return slips, confirming they had no objections, from the; Detoro's, Denman's, Densmore's and the Drury's,

Over the years, my neighbors around the property have taken down some of my fences, built homes against my property line, and graded their land so that water run-off flows onto my property. I was sure if they could do that, without asking me, my building would also be allowed.

Midland Oral and Maxillofacial Surgery, P.C. Mt. Pleasant Oral and Maxillofacial Surgery

Larry J. Skoczylas, D.D.S., M.S.

Richard J. Poupard, D.D.S.

Richard P. Bartling, D.D.S.

Board Certified, American Board
of Oral and Maxillofacial Surgery



Members
American Association of Oral and
Maxillofacial Surgeons

Page 5 of 7.

During our weekend we managed to bolt the foundation of the building to the cement floor and put up all the curved arches. I then contacted Pioneer Steel and had an experienced team of assemblers from the factory come out to finish the structure and make sure it was assembled correctly.

Now that the structure is there, it will be much easier for me to bring my children to the property, and use it multiple times a year. It will make the annual weekend with my friends more convenient and easier to pack for.

The Maintenance shed will have some shelving put in it, to keep items off the ground. It will be made rodent proof. It will remain locked when not in use. I anticipate storing some items in it. Possible examples include; something to cut grass with, a chain saw, a few chairs, some wood cutting equipment, a stereo, a picnic table, some rain gear, rubber boats, a small standup charcoal barbecue, etc., etc.

I did not intentionally attempt to put up an illegal structure. I was not even aware that Arthur had been incorporated into the wider Wellington North area. I have tried to be faithful to my grandfathers' wishes. Having a maintenance shed will make that more of a reality. I tried to put the shed in an area without any environmental impact. The Shed will mean that my friends and I and my kids can enjoy the land more often. The Building will allow me to maintain the property more effectively, which my neighbors will appreciate. I obtained the blessings of my neighbors prior to putting up the shed. I have tried to be good to the Arthur community, by volunteering my land for use by the Arthur Public Trail, so that more people could enjoy the land.

At the end of October, just 1 month after the structure was completed, I received word that permits were required in order to make the shed approved.

So, now I am filling all the paperwork and paying all the fees to get that done.

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Page 6 of 7.

I have also provided some printed copy of digital photos taken on the property in Nov 2014.

Picture Marked A: It shows a view of the property and the structure; when looking in a northern direction, while standing on the southern property line, beside the edge of Wellington Road 109.

Picture B: Shows the view; when looking in a western direction, while standing just inside the eastern property line

Pic C: Shows the view; when looking in a eastern direction, while standing just inside the western property line

D: Shows the view; looking in a southern direction, up the steep hill, at a 6 foot tall man, while standing on the southern flood plain of the Conestoga River

E: Shows the view; looking in a northern direction, down the steep hill, to the wide southern floodplain of the river, with the river running through the middle of the photo from left to right, while standing in the location of the man in Picture D

F: Shows the view; looking in a southern direction, up the more gradual slop, to the spot where he structure is, while standing in the location of the man in Picture D

Important things to note from the Photos/Pictures:

- 1) If you look at: the horizontal distance from the river's edge, to the spot where Picture E was taken from (the location of the man in Picture D), and the horizontal distance from the spot where Picture F was taken from (the location of the man in Picture D) to the structure, and you add them together, you have the total horizontal distance the shed is away from the river. It is far. The building is not impacting the river.
- 2) If you look at: the height in Picture D, which starts 5.5 feet above the river flood plain (as the photo was taken at eye height by a 6'4" tall man) to the top of the hill, that is how high the river must get to escape its normal flood plain. That has never happened since my family owned the land.
- 3) In addition to Point 2) above. If the river rose enough to overcome the hill in Point 2). It would still have to rise many more feet to get to the structure. The slope up from the hill top to the structure can be seen, and is described in Picture F. The total rise from the river flood plain to the building is a lot. I suspect it is more than I reported in my applications, as I'm not sure how well I interpreted the Grand River Conservation topographical website maps.

I also included 2010 Aerial View Maps (Map I through Map V) from the Grand River Conservation Website.

Important things to note from the Maps:

- 1) Map V; shows the location, orientation and size (18 feet x 18 feet) of the structure on the property, and its relative size to the dimensions of the property.

Midland Oral and Maxillofacial Surgery, P.C.
Mt. Pleasant Oral and Maxillofacial Surgery

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Page 7 of 7.

I also included copies of the drawings (drawing 1 through 5) supplied by the manufactures engineers

I hope this document, the pictures, maps and the drawings make the situation clear. I hope they help to get the approvals needed.

Thank you for your consideration in this matter.

Sincerely,

Richard P. Bartling, D.D.S., F.R.C.D.C., Dip. A.B.O.M.S., Dip. N.D.B.A.

Licensed as a Maxillofacial Surgeon by the Royal College of Dental Surgeons of Ontario
Licensed as a Maxillofacial Surgeon by the State of Michigan Board of Dentistry
Board Certified Maxillofacial Fellow of the Royal College of Dentists of Canada
Board Certified Diplomate of the American Board of Maxillofacial Surgery
Board Certified Diplomate of the National Dental Board of Anesthesiology (General Anesthesia)
Advanced Trauma Life Support Certified by the American College of Surgeons
Advanced Cardiac Life Support Certified by the American Heart Association
Accredited Surgical Staff Member of the Mid-Michigan Medical Center Level II Trauma Hospital
Accredited Surgical Staff Member of the Mackinaw Surgery Center
Fellow of the American Board, the American Association, the American College, and
the Michigan State Society of Maxillofacial Surgeons
Fellow of the American Dental Society of Anesthesiology (Sedation Anesthesia)
Member of the Saginaw Valley, Midland, and Mount Pleasant Dental Societies
Member of the Michigan State Medical Society
Member of the Midland County Medical Society

PICTURE A



PICTURE B



PICTURE C



PICTURE D



PICTURE E



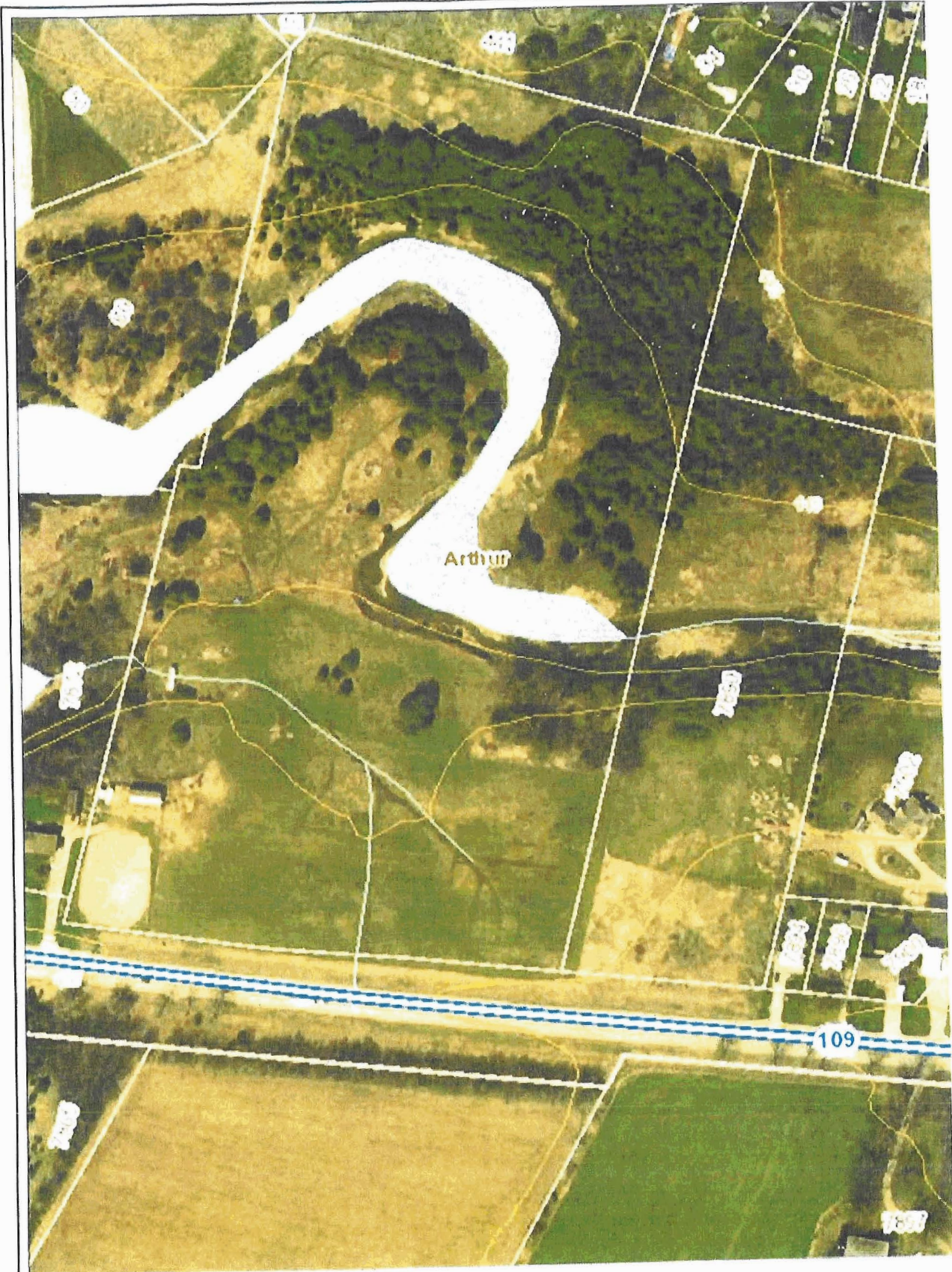
PICTURE F



MAP I



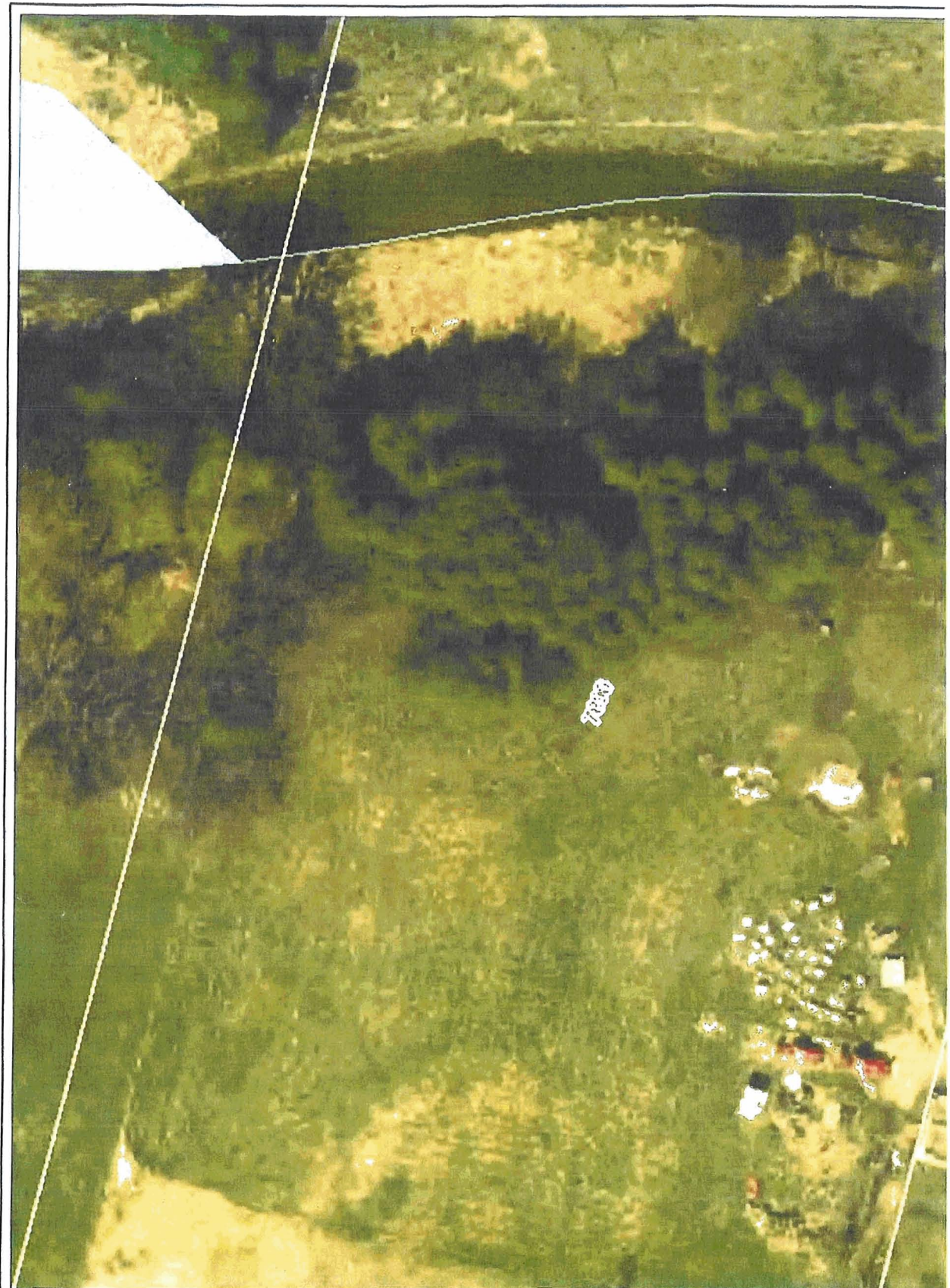
MAP II



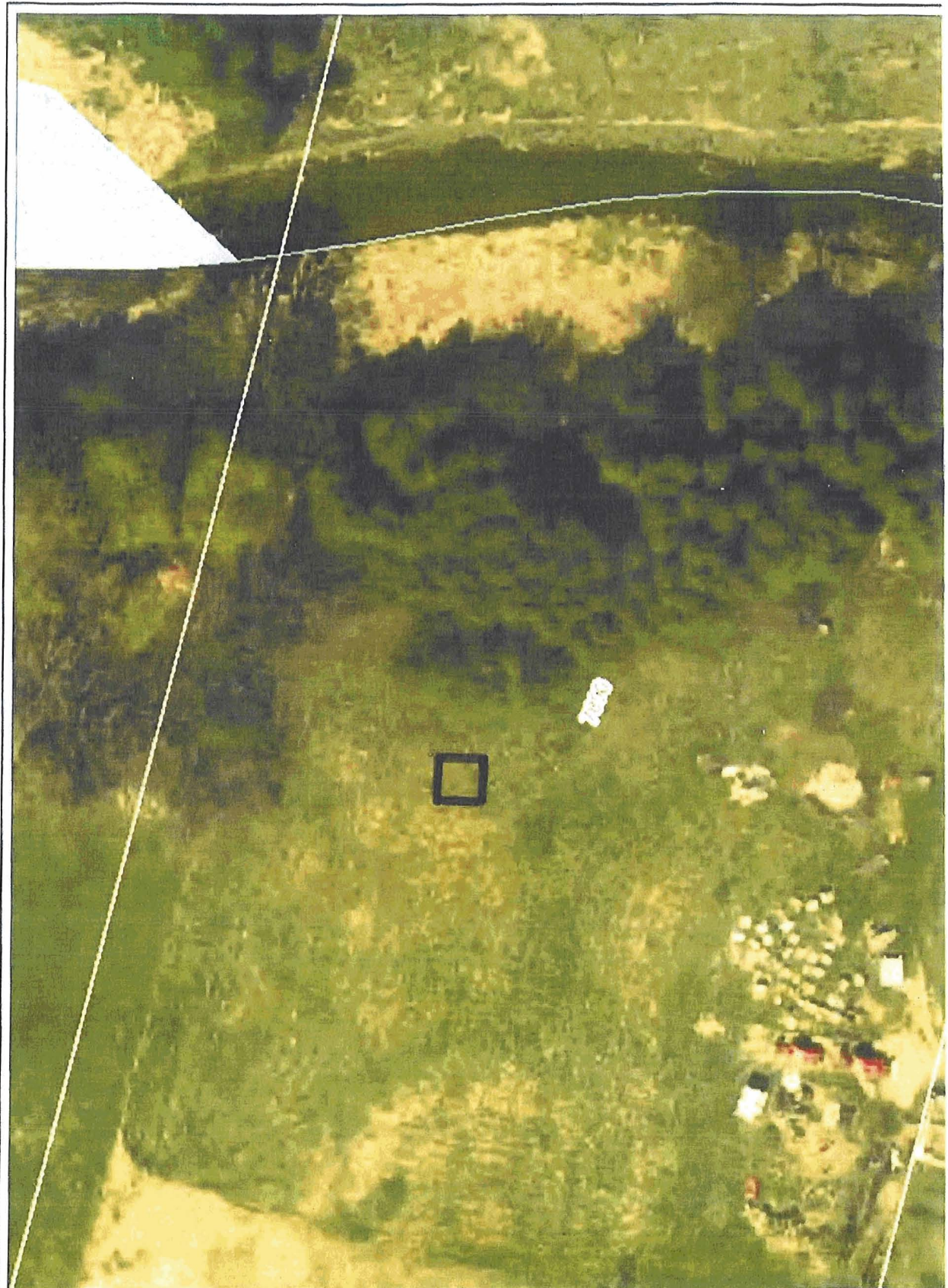
MAP III

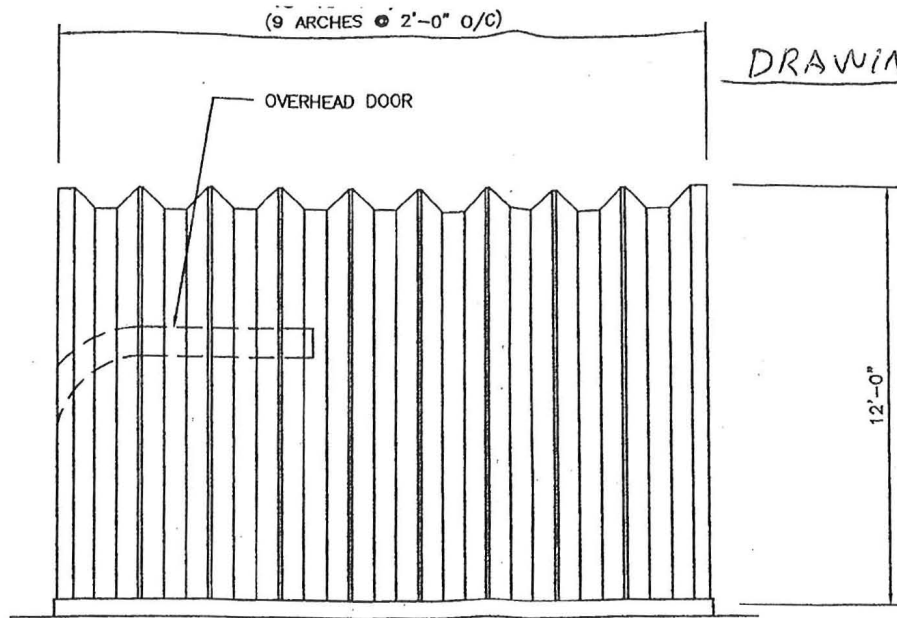


MAP IV

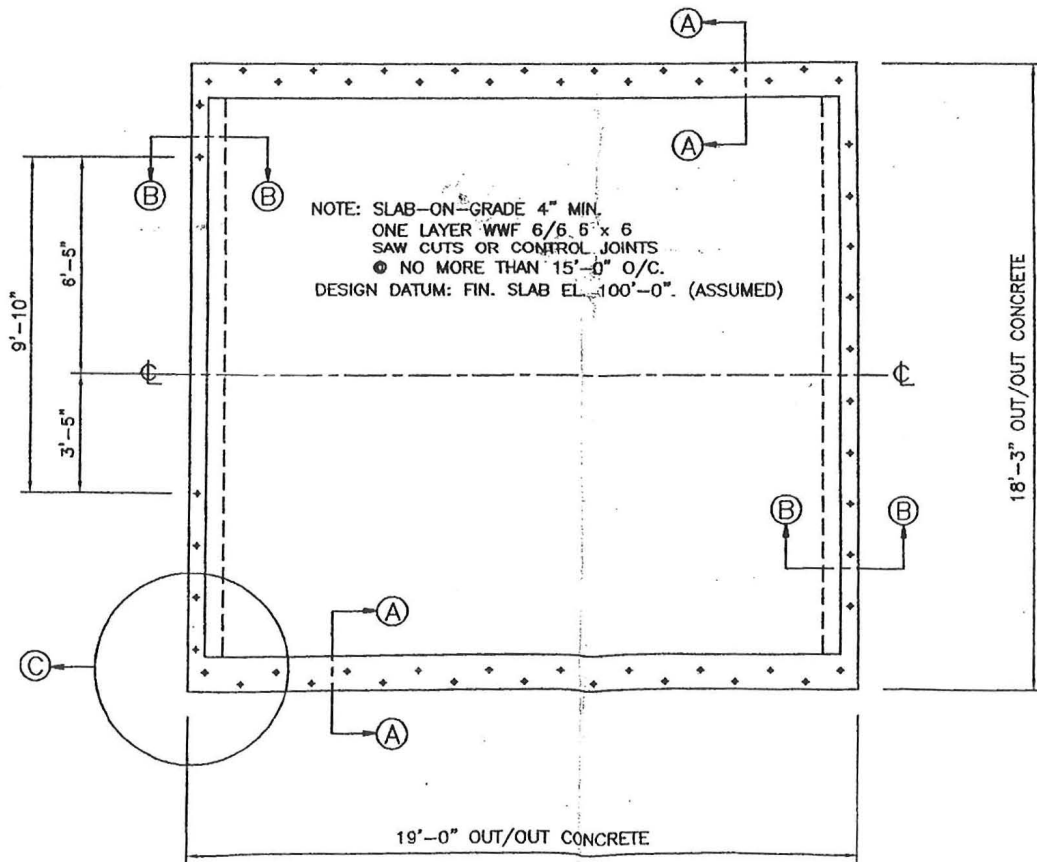


MAP IV



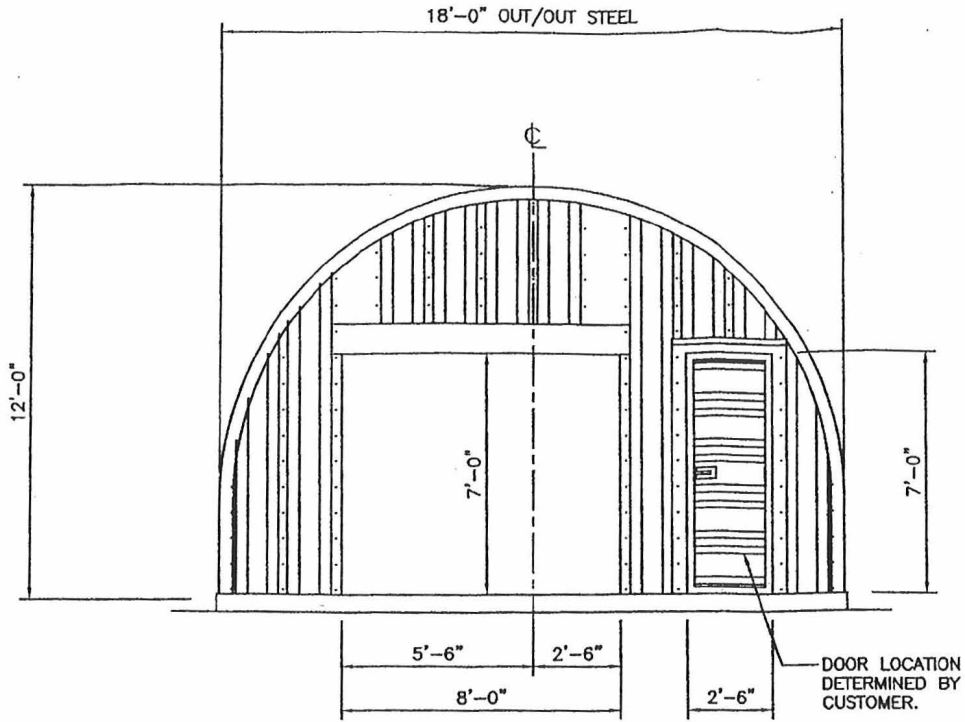


SIDE ELEVATION

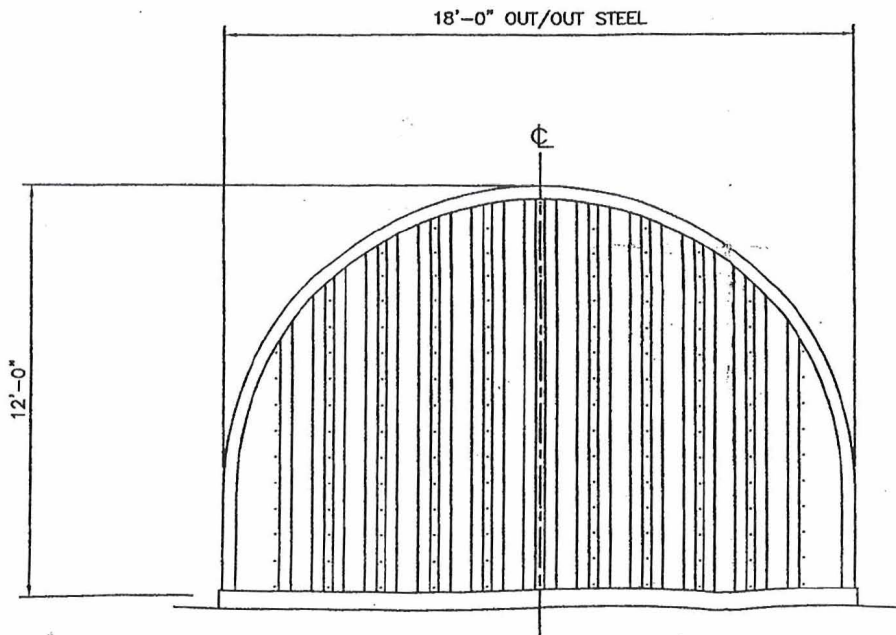


FOUNDATION PLAN

DRAWING 5



FRONT ELEVATION



REAR ELEVATION



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

March 3, 2015

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

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 A2/15**
7890 Wellington Road 109
Bartling

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

Planning Opinion: The variance requested is to permit a small utility shed (306 sq.ft.) within a Natural Environment (NE) area prior to the establishment of a main use (residence).

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

Wellington County Official Plan: The subject property is designated PRIME AGRICULTURAL and CORE GREENLAND. 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 Future Development (FD) and Natural Environment (NE). The owners have installed a 28.4 sq.m (306 sq.ft) utility shed on the NE portion of the property. This type of structure would be considered an accessory building and the current NE zoning only permits this use within the following context:

- Minor buildings/structures accessory to an existing residential dwelling, permitted as of the date of passing of this By-law.

In this instance there are no other buildings or uses on these lands.

The GRCA has reviewed the application and have no concerns with the location of the structure. The owner has applied for the required GRCA permit.

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

Yours truly,



Linda Redmond
Senior Planner



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

**PLAN REVIEW REPORT: Township of Wellington North
Darren Jones, Building/Zoning Dept.**

DATE: February 27, 2015

YOUR FILE: A2/15

GRCA FILE: A2-15 – 7890 Wellington Road 109

RE: Application for Minor Variance A2/15
Part Park Lot 5, Geographic Arthur Village
7890 Wellington Road 109

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance to permit the existing accessory building.

BACKGROUND:

1. Resource Issues:

Information currently available to this office indicates that the property contains the Conostogo River, floodplain, erosion hazard, and the allowances to these features.

2. Legislative/Policy Requirements and Implications:

The GRCA issued permit #670/14 on January 20, 2015 for the existing accessory structure and the structure is set back from the natural hazard features on the property. As such, the GRCA has no objection to the proposed minor variance application.

Due to the presence of the above-noted features, the subject lands are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development on the property within the regulated area will require prior written approval from the GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

3. Additional Information/Suggestions provided in an advisory capacity:

This application is a 'minor' minor variance application and the applicable plan review fee is \$250.00. With a copy of this correspondence, the applicant will be invoiced in the amount of \$250.00 for our review of the application.

Should you have any questions or require additional information, please do not hesitate to contact me.

Yours truly,



Andrew Herreman
Resource Planner
Grand River Conservation Authority
AH/al

** 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: Linda Redmond – County of Wellington
Dr. Richard Bartling, 6112 Merlin Court, Midland, Michigan, USA, 48640



**Grand River
Conservation Authority**
Map created: February 27, 2015
Prepared by: ah

A2/15

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- CLASSIFIED STREAMS - NEW (NRVIS)
- COLD WATER
- COOL WATER
- UNKNOWN
- WARM WATER
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- WETLAND (NRVIS)
- PROVINCIALLY SIGNIFICANT
- LOCALLY SIGNIFICANT
- UNEVALUATED
- PARKS (GRCA)
- REGULATION LIMIT 2014 (GRCA)
- DRAINAGE-POLY (NRVIS)
- 2010 ORTHO (ONT)



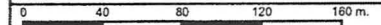
7890 Wellington Rd 109

GRCA Disclaimer

This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

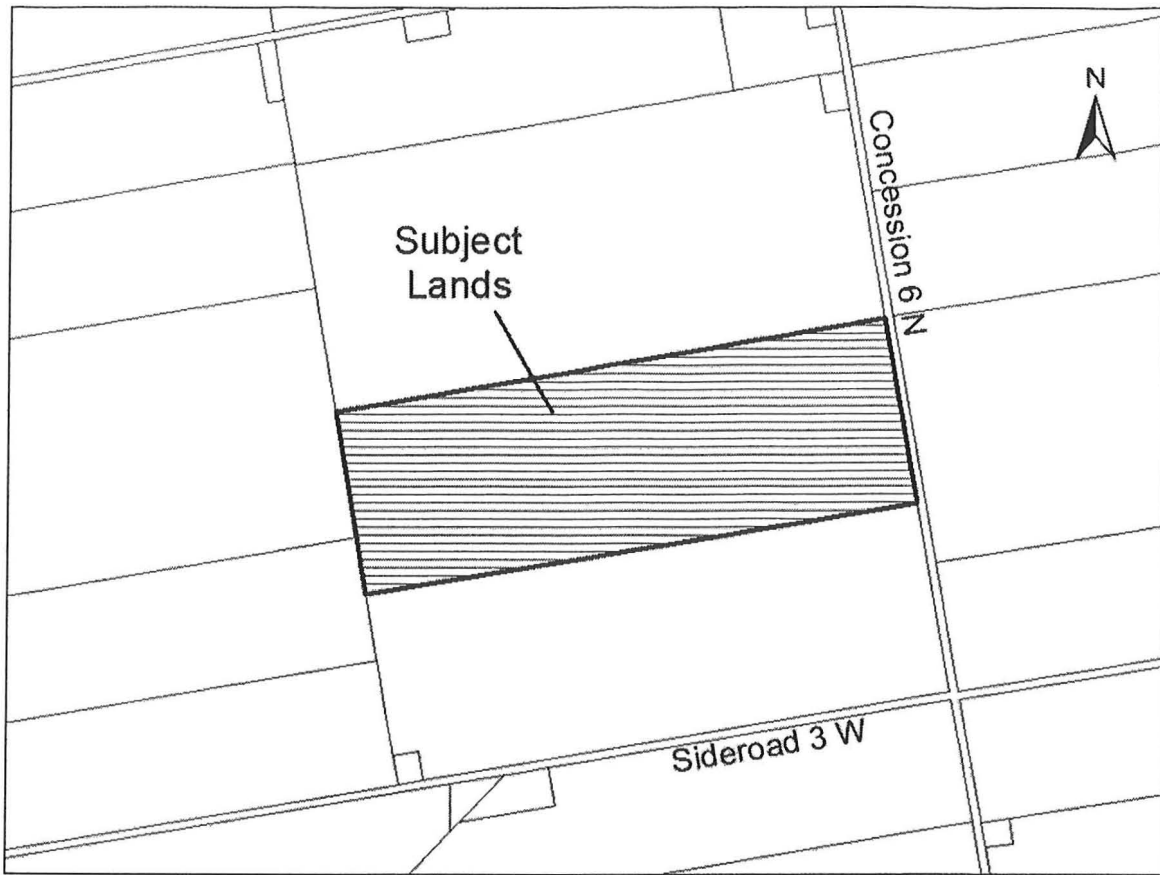
The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

<http://grims.grandriver.ca/docs/SourcesCitations1.htm>



NAD 1983, UTM Zone 17 Scale 1:3,472

030



APPLICATION A03/15

Owners/Applicant: Alaudin and Almas Ramji

CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
APPLICATION FOR A MINOR VARIANCE

Date Received: Feb 6/15

Roll No.: 234900000905900

File Number: A 03 / 15

Application Fee Received: \$ 750-

A. GENERAL INFORMATION

1. *APPLICANT INFORMATION

a. *Registered Owner's Name(s): Alaudin Ramji, Almas Ramji

Address: 9450 Concession 6 N, R.R. #6 Mount Forest

Phone: Home (519) 323 4964 Work () _____ Fax (519) 323 9255

Email: Aleem@alysfarms.com

b. *Applicant (Agent) Name(s): Aleem Ramji and/or Brian Padfield

Address: c/o Aleem Ramji, 9450 Concession 6 N, RR 6 Mount Forest

Phone: Home (519) 323 4964 Work () _____ Fax (519) 323 9255

Email: Aleem@alysfarms.com

c. *Name, Address, Phone No. of all persons having any mortgage charge or encumbrance on the property:

i. None

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: 9450 Concession 6 N, R.R. #6 Mount Forest

c. Concession: 7 Lot: Pts 5 & 6 Registered Plan No.: _____

d. Area: 150 acres Depth: _____ Frontage (Width): _____

e. Width of Road Allowance (if known): _____

3. *WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

Provincial Highway	<input type="checkbox"/>	Continually maintained municipal road	<input checked="" type="checkbox"/>	Right-of-way	<input type="checkbox"/>
County Road	<input type="checkbox"/>	Seasonally maintained municipal road	<input type="checkbox"/>	Water access	<input type="checkbox"/>

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.)

N/A

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

a. Official Plan Designation: Agricultural/Core Greenlands/Greenlands

b. Zoning: Agricultural / Natural Environment

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	[]	[]	[x]	[]	[]	[x]
b. Proposed	[]	[]	[]	[]	[]	[]

Existing well and septic system do not require change or addition.

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?

Concession 6

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)

Reduction of Minimum Distance Separation to 340' to permit construction of addition to existing egg laying poultry barn.

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

(Please specifically indicate on sketch)

The new building will be connecting to the existing building to maintain Bio Security and the proposed site of this building is non-farmable land. This requires Minimum Distance Separation reduction from the northerly adjacent farm residence.

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

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

- a. The subject property: Agricultural
- 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>poultry barn</u>	<u>poultry barn expansion</u>
b. Date of construction	<u>approx. 40 years</u>	<u>Spring 2015</u>
c. Building height	<u> </u> (m) <u>8</u> (ft)	<u> </u> (m) <u>11-12</u> (ft)
d. Number of storey's (excluding basement)	<u>1</u>	<u>1</u>
e. Total floor area	<u> </u> (sq m) <u>5312</u> (sq ft)	<u> </u> (sq m) <u>9408</u> (sq ft)
f. Ground floor area	<u> </u> (sq m) <u> </u> (sq ft)	<u> </u> (sq m) <u> </u> (sq ft)
g. Percent lot coverage	<u> </u> (%)	<u> </u> (%)
h. Number of parking spaces	<u> </u>	<u> </u>
i. Number of loading spaces	<u> </u>	<u> </u>

House - constructed 1994
Shed/garlic processing - constructed 1996

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

As per sketch attached.
 (Please specifically indicate on sketch)

	Existing		Proposed	
a. Distance from building to the:				
i. Front lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
ii. Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
iii. Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
iv. Rear lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)

14. ***DATE OF ACQUISITION OF SUBJECT PROPERTY:**

1980

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

House 1994, shed 1996; others not less than 40 years

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

Exact date unknown - poultry barn not less than 40 years

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

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)

Alaudin Ramji
I (we) Almas Ramji 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 this 6th day of February, 2015.

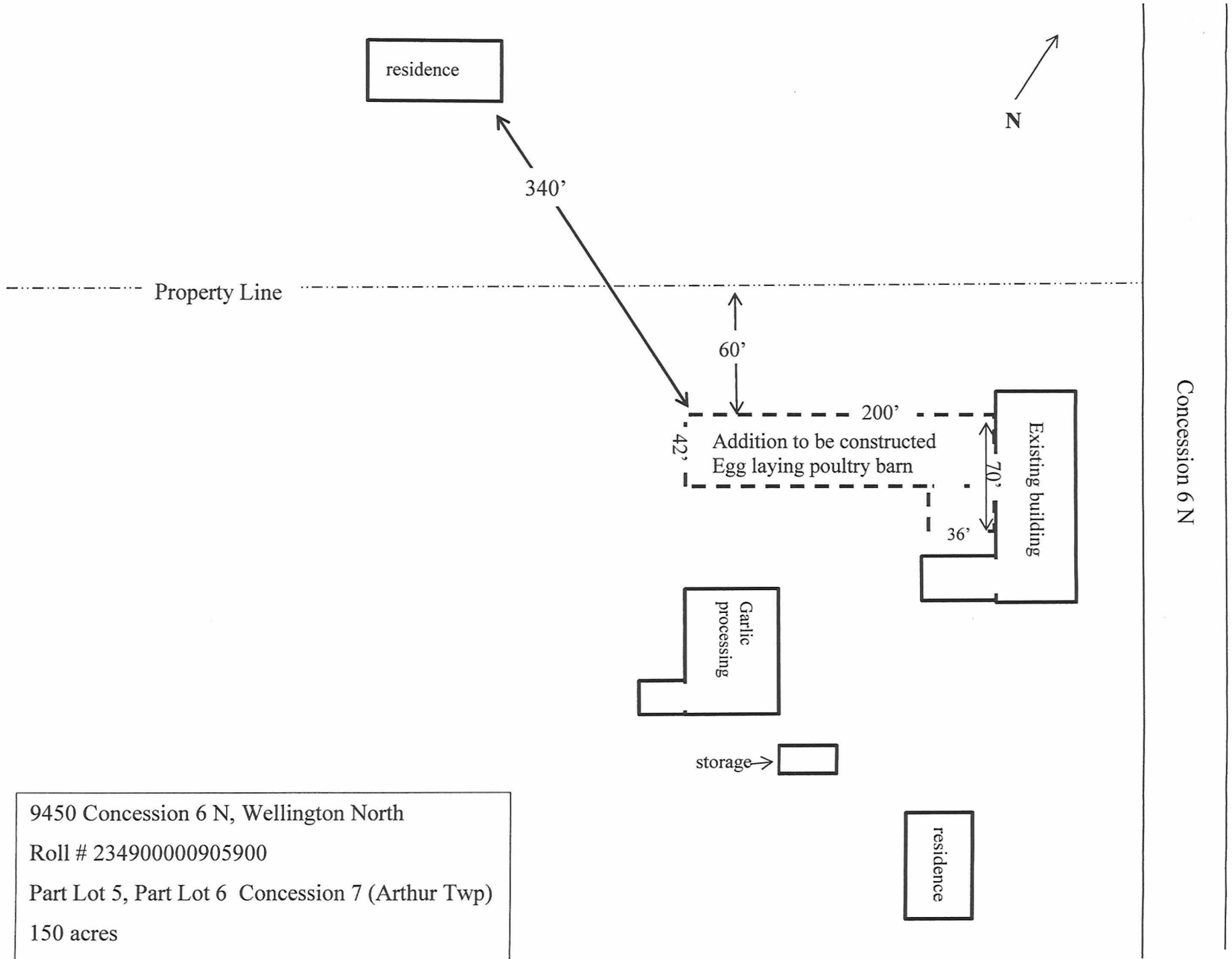
Alaudin Ramji Almas Ramji
Signature of Owner or Authorized Solicitor or Authorized Agent Date Feb. 6/2015

Brian Lopez
Signature of Commissioner Date Feb. 6/2015

JUSTICE OF THE PEACE
PROVINCE OF ONTARIO

APPLICATION AND FEE OF \$ 750- RECEIVED BY MUNICIPALITY

Darren Lopez
Signature of Municipal Employee Date Feb 6/15



9450 Concession 6 N, Wellington North
 Roll # 234900000905900
 Part Lot 5, Part Lot 6 Concession 7 (Arthur Twp)
 150 acres
 Owners: Alaudin and Almas Ramji

C44

Minimum Distance Separation II (MDS II) Report

File: 009-05900 Aleem Ramji.mds

Application Date: 31-Oct-2012

File Number:

Preparer Information

Darren Jones
Township of Wellington North
7490 Sideroad 7 West
P.O. Box 125
Kenilworth, ON, Canada N0G 2E0

Phone #1: (519) 848-3620
Fax: (519) 848-1119
Email: djones@wellington-north.com

December 4 2014

Contact Information

Aleem Ramji
9450 Concession 6 North
RR 6
Mount Forest, ON, Canada N0G 2L0

Email: aleem@alysfarms.com

Farm Location

County of Wellington
Township of Wellington North
Geotownship: ARTHUR
Concession: 7
Lot: 5
Roll Number: 23-49-000-009-05900-0000

Manure Form	Type of Livestock/Material	Existing Capacity	Existing NU	Total Capacity	Total NU	Estimated Barn Area
Liquid	Chickens; Layer hens (for eating eggs; after transfer from pullet barn)	11160	74.4	9660	64.4	Unavailable
Solid	Chickens; Layer hens (for eating eggs; after transfer from pullet barn)	0	0.0	6000	40.0	Unavailable


Manure/Material Storage Type: V2. Solid, outside, covered

Building Base Distance 'F' (A x B x C x D): 168 m (552 ft)
Storage Base Distance 'S': 168 m (552 ft)

Factor A (Odour Potential): 1.0
Factor B (Nutrient Units): 321
Factor C (Orderly Expansion): 0.7500
Factor D (Manure/Material Type): 0.7
Total Nutrient Units: 104

Description	Multiplier	Required Barn Setback	Actual Barn Setback	Required Storage Setback	Actual Storage Setback
Nearest neighbour's dwelling	1.0	168 m 552 ft		168 m 552 ft	
Type A land uses	1.0	168 m 552 ft		168 m 552 ft	
Type B land uses	2.0	337 m 1104 ft		337 m 1104 ft	
Nearest lot line (side or rear)	0.1	17 m 55 ft		17 m 55 ft	
Nearest road allowance	0.2	34 m 110 ft		34 m 110 ft	

Signature of Preparer:


Darren Jones, Township of Wellington North

Date:



NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.





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

March 3, 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 A3/15**
9450 Concession 6N
Ramji

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

Planning Comments: A minor variance is being requested for relief from minimum distance separation II (MDS II) for a proposed barn expansion and the neighbouring farm residence to the west. The location of the barn addition seems to be logical and makes sense given the layout of existing barns.

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

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is within an area of prime agricultural land. New or expanding livestock facilities shall comply with the minimum distance separation formulae. Guideline 46 of the MDS Implementation Guidelines states that "minor variances to MDS II distances can be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS II, or mitigate environmental impacts, may warrant further consideration."

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLAND. 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 zoned Agricultural (A) and Natural Environment (NE). The applicants are proposing to construct an addition to the existing egg laying poultry barn. The following variance is required:

- An MDS II setback to the nearest neighbor's dwelling (west) of 103.6 m (340 ft.), whereas 168m (552 ft.) is required.

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

Yours truly,

Linda Redmond
Senior Planner



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

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

February 27, 2015

Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kennilworth, ON
N0G 2E0

ATTENTION: Darren Jones, CBO

Dear Mr. Jones,

RE: Proposed Minor Variance A3/15
9450 Concession 6 North
Lots 5-6, Concession 7
Roll No. 234900000905900
Geographic Township of Arthur
Township of Wellington North (Alaudin & Almas Ramji)

The Saugeen Valley Conservation Authority (SVCA) has reviewed this proposal in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington relating to Plan Review. The purpose of this application is to provide relief from the Minimum Distance Separation II setback requirements. The applicants are proposing to construct an addition onto their existing poultry barn and cannot meet the required distances from the nearest neighbour's dwelling and the road allowance. The application will also consider any other deficiencies that may be present. The proposed minor variance is acceptable to the Authority. The following comments are offered.

Natural Heritage

The Significant Natural Heritage feature affecting the subject property, is the significant woodland located on the western portion of the subject property.

Wellington County Official Plan

Section 5.5.4 of the Wellington County Official Plan states in part:

"Woodlands over 10 hectares in area are considered to be significant by the county and are included in the Greenlands System. These woodlands will be protected from development or site alterations which would negatively impact the woodlands or their ecological functions."



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Section 5.6.4 of the Wellington County Official Plan states in part:

"For the purposes of this section of the Plan, adjacent lands are considered to be...b) lands within 30 metres of all other Core Greenlands and Greenland area."

According to the information provided on the site plan with this application, the proposed development is located outside the Significant Woodland and its adjacent lands.

SVCA Regulation

The owner is advised that portions of this property are subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act, R.S.O, Chap, 1990, Chap. C. 27.

This Regulation requires that a person obtain the written permission of the SVCA prior to any "development" within a Regulated Area or alteration to a wetland or watercourse. Although mapping showing the Regulation Limit on the subject property is not available at this time, the Natural Environment (NE) zone, plus a 50 metre offset distance from the zone boundary should be used as an approximate screening area within which the Regulation could apply.

Development and Alteration

Subsection 28(25) of the Conservation Authorities Act defines "development" as:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind,*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure, or increasing the number of dwelling units in the building or structure,*
- c) *site grading, or*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting, or interference in any way with the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

The location of the proposed chicken barn addition as shown on the site plan received by the SVCA February 17, 2015 as part of this application, will not require a permit from the SVCA.

SVCA staff conducted an in office review of SVCA files and mapping for the subject property. Based on a review of this information, it appears that alteration to the existing pond, located to the south of the single detached

Township of Wellington North
February 27, 2015
Minor Variance A3/15
Page 3 of 3

dwelling, has been altered since Ontario Regulation 169/06, as amended came into effect. The property owner is advised that this feature is subject to SVCA Regulations. Permission from the SVCA is required prior to any development or alteration occurring in any SVCA Regulated Area.

Township of Wellington North Zoning By-Law 66-01

According to the Township of Wellington North Zoning By-law No. 66-01, the majority of the western, and part of the eastern portion of the property are zoned Natural Environment (NE). In general, no new buildings or structures are permitted in the NE zone.

In the opinion of the SVCA, the proposed chicken barn addition is outside the NE zone.

Conclusion

All of the plan review functions listed in the Agreement have been assessed with respect to this proposed Minor Variance. 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 referred to in the Agreement.

We trust these comments are helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,



Valerie Lamont
Environmental Planning Technician (Acting)
Saugeen Conservation

VL\

cc: Karen Wallace, Clerk – Township of Wellington North (via email)
Alaudin & Almas Ramji, Owners (via email)
Aleem Ramji, Applicant (via email)
Steve McCabe, SVCA Director (via email)