

Township of Wellington North

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

Committee of Adjustment

Monday, June 22, 2015 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

Page 1 of 3

rage 1 of	3
AGENDA ITEM	PAGE NO.
Chairman	
1. Officially open the meeting.	
2. Declaration of Pecuniary Interest and General Nature Thereof.	
3. Minutes, A09/15 (attached)	1
DEFERRED 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. Resolution Number CoA 2015-003	6
5. Township Planner – Linda Redmond will review the County comments (attached).	7

Committee of Adjustment Agenda June 22, 2015 at 7:00 p.m.

June 22, 2015 at 7:00 p.m. Page 2 of 3

AGENDA ITEM	PAGE NO.
6. Correspondence/Comments received (January 26, 2015 Meeting):	
- Jameson Pickard, Junior Planner, County of Wellington	9
 Valerie Lamont, Environmental Planning Technician (Acting), SVCA 	11
- Harry Engle, 470 Wellington Street East, Mount Forest	12
7. Correspondence/Comments received (June 22, 2015 Meeting):	
- 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	

Page:	3 of 3
-------	--------

AGENDA ITEM	PAGE NO.
DEFERRED APPLICATION A08/15	
Owners/Applicant: Bradley and Judith Reist	
THE LOCATION OF THE SUBJECT PROPERTY is described as Lot A, Concession 10, geographic Township of Arthur, with a civic address of 7011 Sideroad 3 W. The subject land is approximately 2.2 ha (5.5 acres). The location of the property is shown on the map attached.	13
THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the maximum floor area of section 6.14 d) and setback requirements of section 6.14 g) for a proposed home industry structure. The maximum floor area of a home industry structure shall not exceed 185 m² (2,000 ft²) and shall not be located within 22.8 m (74.8ft) of a lot line or within 121.9 m (400ft) of a residence on a separate lot. The applicant is requesting permission to construct a building with a total floor area of 222.9 m² (2400 ft²) for a farm repair home industry. Other variances may be considered where deemed appropriate.	
9. Report from Darren Jones, Chief Building Official	14
- CBO 15-09 Being a report on the withdrawal of Minor Variance Application A08/15 for Lot A, Concession 10, 7011 Sideroad 3 West (Reist)	
10. Adjournment.	

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

Absent: Dan Yake

Also Present: Acting Secretary-Treasurer/CAO: Michael Givens

Executive Assistant: Cathy Conrad Chief Building Official: Darren Jones

Treasurer: Paul Dowber

Director of Public Works: Matthew Aston

Linda Redmond: Linda Redmond

Manager of Planning and Environment: Mark Van Patter

Economic Development Officer: Dale Small

Tourism, Marketing, Promotion Manager: April Marshall

Absent: Secretary-Treasurer/Clerk: Karren Wallace

THE CHAIRMAN CALLED THE MEETING TO ORDER

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

None Reported

MINUTES

RESOLUTION NUMBER CoA 2015-020

Moved by: Councillor Goetz Seconded by: Councillor McCabe

THAT the Committee of Adjustment meeting minutes of May 25, 2015 – A08/15 be adopted as presented.

CARRIED

The public meeting is held to consider Minor Variance Application A09/15 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

APPLICATION A09/15

Owners/Applicant: Heikki Jasson

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 4, Concession 4, geographic Township of Arthur, with a civic address of 7687 Sideroad 2 E. The subject land is approximately 20.2 ha (50 acres).

THE PURPOSE AND EFFECT of the application is to provide relief from the Natural Environment Zone Setback requirements of Section 6.20.1 for two existing accessory structures on the subject property, which requires a setback of 3.0 m (9.8 ft) from the Natural Environment zone boundary. The applicant is seeking zoning compliance for the buildings which were constructed prior to the applicant purchasing the property and are located within the required setback. Other variances may be considered where deemed appropriate.

The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on May 21, 2015 as well as posted on the property pursuant to the legislation.

PRESENTATION:

Linda Redmond, Senior Planner for the Township of Wellington North reviewed her comments dated May 26, 2015.

Planning Opinion: The variance requested is to permit two small utility sheds (264 sq ft. & 576 sq.ft.) within/abutting a Natural Environment (NE) area.

The Planning Department had no concerns with the relief requested at this time, provided the Conservation Authority has no concerns. 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.

The property is described as Part Lot 4, Concession 4, geographic Township of Arthur, with a civic address of 7687 Sideroad 2 E. The subject land is approximately 20.2 ha (50 acres).

The purpose of this application is to provide relief from the Natural Environment Zone Setback requirements of Section 6.20.1 b) for two existing accessory structures on the subject property. The accessory structures are permitted no less than 3.0 m (9.8 ft) from the Natural Environment zone boundary. The applicant is seeking zoning compliance for the buildings which were constructed prior to the applicant purchasing the property. No other variances are required.

Under the Wellington County Official Plan the subject property is designated PRIME AGRICULTURAL and CORE GREENLAND. The Greenland feature protects hazard lands and wetlands. 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.

Under the Township of Wellington North Zoning By-law the subject property is zoned Agricultural (A) and Natural Environment (NE). The property is currently occupied by a number of buildings. Two of the sheds (264 sq ft. & 576 sq.ft.) are located within the natural environment required setback or buffer. These buildings are existing and the current owner is seeking to bring them into conformity. As such the following variance is required:

1. A setback of 0.0m (0.0ft) from the NE zone for two existing detached accessory structures, whereas the by-law requires a 3m (9.8ft) setback.

CORRESPONDENCE/COMMENTS RECEIVED

- Michelle Gallant, Regulations Officer, SVCA
 - No objection.

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.

No one was present to make oral and/or written submissions in support of the proposed minor variance.

- Persons present who wish to make oral and/or written submissions against this application.
- No one was present to make oral and/or written submissions against this application.
- 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 had no comments or questions

RESOLUTION NUMBER CoA 2015-021

Moved by: Councillor McCabe Seconded by: Councillor Goetz

THAT the minor variance applied for in Application A09/15 to provide relief from the Natural Environment Zone Setback requirements of Section 6.20.1 for two existing accessory structures on the property described as Part Lot 4, Concession 4, geographic Township of Arthur, with a civic address of 7687 Sideroad 2 East be authorized.

CARRIED

ADJOURNMENT

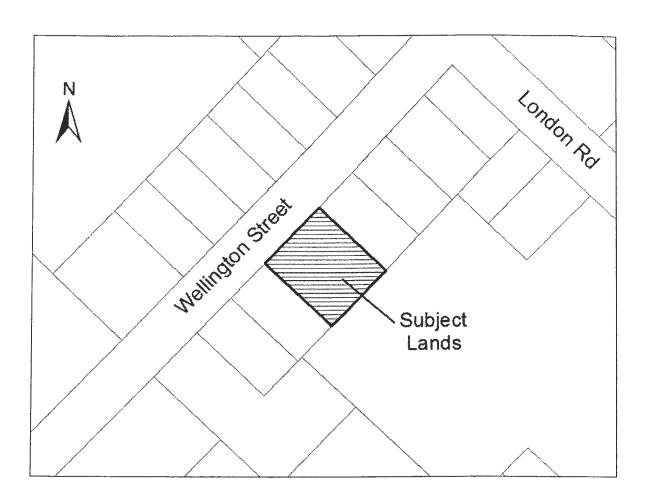
RESOLUTION NUMBER CoA 2015-022

Moved by: Councillor Goetz Seconded by: Councillor McCabe

THAT the Committee of Adjustment meeting of June 8, 2015 be adjourned at 7:06 p.m.

CARRIED

Acting Secretary Treasurer	Chairman	



APPLICATION A01/15

Owners/Applicant: Jason Oakes

TOWNSHIP OF WELLINGTON NORTH COMMITTEE OF ADJUSTMENT

MOVED BY:	Shory Jull.	DATE: January 26, 2015
SECONDED BY:	Mar A. Daty	RES. NO.: <u>CoA 2015- 003</u>
THAT the minor v	variance applied for in Application A	01/15 be deferred.
MAYOR		
T\	CARRIED	DEFEATED

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

June 17, 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

The above application was at the Committee of Adjustment meeting of January 26, 2015. The application was deferred to provide the applicant an opportunity to address grading and drainage issues that were raised by the neighbours. Council asked that the applicant meet with the concerned parties to discuss their issues. The following actions were taken:

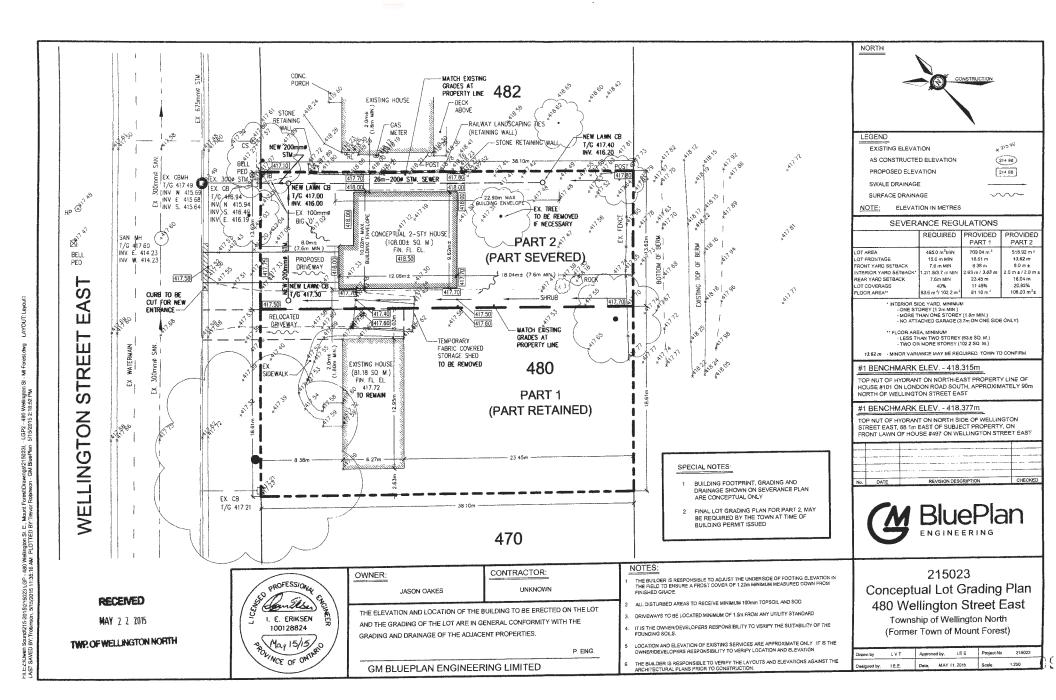
A lot drainage and grading plan was prepared by GM BluePlan Engineering, dated May 11, 2015 (Attached). The plan is stamped by a qualified Engineer and Darren Jones, CBO has indicated that this plan is satisfactory for building permit purposes. The proposed grading will essentially maintain the existing grade of the retained parcel, with some minimal grade change. There are 2 catch basins provided to address water drainage. One is located to the rear of the proposed dwelling and the second is in the front. This will tie into the storm water drainage.

A meeting was scheduled for June 16, 2015 at 5:30 pm in the Council Chambers. Notice was mailed to all parties who expressed interest and signed into the public meeting. The meeting was attended by the Township Planner, CAO, the applicant and his agent. One individual from the public attended. The engineering plan was circulated, reviewed and discussed. The applicant and the neighbour discussed the project. The neighbour indicated that he did not want to see this house constructed and that this was an established neighbourhood. He indicated that he did not agree with the provincial policies related to intensification.

As per Committee direction the informal meeting has been held and the applicant would now like to proceed with his minor variance. I trust that this information will be of assistance to Committee when making their decision on this application.

Yours truly,

Linda Redmond Senior Planner



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
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 Pickand

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, S/S 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 Lamans

Valerie Lamont Environmental Planning Technician (Acting) Saugeen Conservation



Watershed Member Municipalities

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

Cirallated @ the mty Clerk Kwellan

To: Township of Wellington North, Committee of adjustment

In regards to the notice of application for minor variance A1/15 (Mr. Jason Oakes) I am opposed for the following reasons:

- 1) The proposed severance would produce a lot with a 44.7' frontage. With current legal setbacks for new construction this would only allow for a 36.7' "buildable" frontage including a driveway. This would not suit the rest of the neighborhood as all the homes are on 60' wide lots (average).
- 2) The house and property under consent were purchased by Mr. Oakes with full knowledge that it was not a double lot. How is he now able to apply for a severance to create two lots, regardless of this previous knowledge? Does this set precedence for similar properties?
- 3) The lot under consent has a substantially lower elevation than the two neighboring homes (I'm estimating a 4' difference). The current appearance of this substantial elevation difference is acceptable considering the large property; however, a new lot with a house would have to comply with current elevations for proper drainage. This would only accentuate the elevation difference further on the remaining lot, having the appearance of a house in a hole. This will not be good for surrounding property esthetics and values.
- 4) How will the higher elevation on the proposed lot affect the drainage on the existing house? The property under consent already has a drainage issue. Severing the lot and potentially building a new house on it will definitely affect and challenge the drainage issues on the remaining property.

I request to be informed of the committee of adjustment's decision.

Sincerely,

Harry Engel

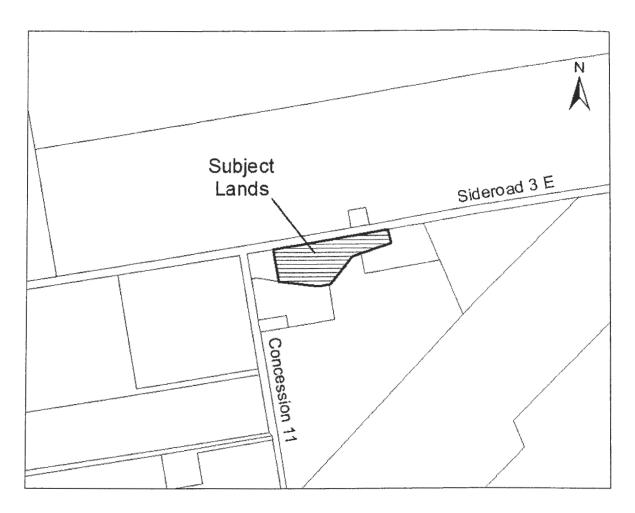
470 Wellington St.E.

Mount Forest, On, N0G2L2

RECEIVED

JAN 23 2015

TWP. OF WELLINGTON NORTH



APPLICATION A08/15

Owners/Applicant: Bradley and Judith Reist



Township of Wellington North

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

TO: COMMITTEE OF ADJUSTMENT

MEETING OF JUNE 22, 2015

FROM: DARREN JONES, CHIEF BUILDING OFFICIAL

SUBJECT: CBO 15-09 BEING A REPORT ON THE WITHDRAWAL OF MINOR

VARIANCE APPLICATION A08/15 FOR LOT A, CONCESSION 10,

7011 SIDEROAD 3 WEST (REIST)

RECOMMENDATION

THAT Council of the Township of Wellington North receive report CBO 15-09 being a report on the withdrawal of Minor Variance Application A08/15 for Lot A, Concession 10, 7011 Sideroad 3 West (Reist) for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

Planning report dated May 19, 2015

BACKGROUND

An application for a Minor Variance A08/15 was considered by the Committee of Adjustment at the May 25, 2015 Committee of Adjustment meeting.

The variance requested would provide relief from the maximum floor area and setback requirements for a home industry structure on a (rural) residential lot. The applicant is proposing to construct a 2400 ft² building to operate a machine shop, whereas the by-law allows 2000 ft² maximum. In addition, the applicants are further requesting relief from the setback to the rear yard and adjacent residences.

The Committee of Adjustment passed the following resolution:

RESOLUTION NUMBER CoA 2015-018

Moved by: Councillor Yake

Seconded by: Councillor McCabe

THAT the minor variance applied for in Application A08/15 to allow the construction of a 2,400 ft² building for a farm repair (machine shop) on the property described as Lot A, Concession 10, geographic Arthur Township, civic address 7011 Sideroad 3 West be deferred.

Carried

On June 15, 2015 the applicant submitted notice that he is withdrawing the application and will not take any further action on the matter. The withdrawal is attached to this report as Schedule B.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

PREPARED BY: RECOMMENDED BY:

DARREN JOENS MICHAEL GIVENS

CHIEF BUILDING OFFICIAL CHIEF ADMINISTRATIVE OFFICER