



Township of Wellington North

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

Committee of Adjustment

Monday, June 8, 2015 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

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, A08/15 (attached) | 1 |
| <p><u>APPLICATION A09/15</u></p> | |
| <p>Owners/Applicant: Heikki Jasson</p> | |
| <p>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 location of the property is shown on the map attached.</p> | 10 |
| <p>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.</p> | |
| <ol style="list-style-type: none">4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on May 21, 2015 as well as posted on the property. | |
| <ol style="list-style-type: none">5. Application for a Minor Variance. | 11 |

| AGENDA ITEM | PAGE NO. |
|--|-----------------|
| 6. Township Planner – Linda Redmond will review the County comments (attached). | 22 |
| 7. Correspondence/Comments received: <ul style="list-style-type: none">- Michelle Gallant, Regulations Officer, SVCA- No objection. 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: <ul style="list-style-type: none">- Comments and questions 9. Adjournment. | 24 |

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, MAY 25, 2015 – 7:00 P.M.
A08/15**

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, Clerk: Karren Wallace
C.A.O./Deputy Clerk: Michael Givens
Executive Assistant: Cathy Conrad
Treasurer: Paul Dowber
Director of Public Works: Matthew Aston
Director of Recreation, Parks and Facilities: Barry Lavers
Linda Redmond: Linda Redmond
Manager of Planning and Environment: Mark Van Patter**

THE CHAIRMAN CALLED THE MEETING TO ORDER

RESOLUTION NUMBER CoA 2015-016

Moved by: Councillor Goetz

Seconded by: Councillor Burke

THAT the agenda for the May 25, 2015 Committee of Adjustment meeting be accepted and passed.

CARRIED

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

None Reported

MINUTES

RESOLUTION NUMBER CoA 2015-017

Moved by: Councillor Goetz

Seconded by: Councillor Burke

THAT the Committee of Adjustment meeting minutes of April 13, 2015 – A04/15, A05/15, A06/15 and A07/15 be adopted as presented.

CARRIED

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, MAY 25, 2015 – 7:00 P.M.
A08/15**

The public meeting is held to consider Minor Variance Application A08/15 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

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 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.

The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on May 12, 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 19, 2015.

Planning Comments: 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 Planning Department had no concerns with the size and scale of the proposed structure and are satisfied that the application maintains 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.

The subject lands are 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 purpose of this application is to provide relief from the maximum floor area and setback requirements for a proposed home industry structure.

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, MAY 25, 2015 – 7:00 P.M.
A08/15**

The subject property is designated PRIME AGRICULTURAL under the Wellington County Official Plan. 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 Wellington North Zoning By-law the subject property is zoned Agricultural (A). The applicants are proposing to construct 2400 ft² building for a farm repair (machine shop). The home industry regulations list a machine shop as a permitted use. The following variances are required:

1. A maximum square footage of 222.9 m² (2400 ft²), whereas section 6.14 d) of the By-law permits a total maximum square footage of 185 m² (2,000 ft²).
2. A minimum setback of 18.8 m (62 ft) to a lot line (rear), whereas section 6.14 g) requires a setback of 22.8m (74.8 ft.).
3. A minimum setback of 76.2 m (250 ft) to a residence on a separate lot, whereas the by-law requires 121.9 m (400ft) separation. This variance is required from the homes located at 7012 & 7023 Sideroad 3 W.

CORRESPONDENCE/COMMENTS RECEIVED

- Jennifer Prenger, Environmental Planning Technician, SCVA
- 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 present to answer questions regarding the application.

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

Paul Thornton, 9399 Concession 11, lives directly west of the subject property. There is a buffer of trees between his property and the proposed shop. Mr. Thornton is concerned about flooding that happens every spring on the property. Grading from the shop could push more of the water onto his property. Mr. Thornton commented that he was surprised the Saugeen Conservation Authority was in favour of the development considering the area is wet.

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, MAY 25, 2015 – 7:00 P.M.
A08/15**

Nancy Whetham, 7023 Sideroad 3 West, expressed concern with the proximity to other residences, restrictions on the first addition to the existing barn, size of property being too small for the size of the manufacturing facility being proposed, number of employees and the impact of this manufacturing facility on neighbouring property values. (see attached addendum to the minutes)

Harold Whetham, 7023 Sideroad 3 West, stated that he is against a setback of only 250 feet from his house. He would like the setback pushed back to 400 feet.

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

Councillor Burke questioned what the existing 1,000 sq. ft. structure will be used for. Mr. Reist explained that it will be used for storage of material to be used in the new shop. Councillor Burke is concerned with flooding issues and would like to contact the SVCA. She would like to see this proposal come back within the Township guidelines. She would like to defer this application.

Councillor Yake stated he feels 2,400 sq. ft. is excessive and he would like to see the size of the proposed building scaled back to 2,000 sq. ft. He also expressed concern with the flooding previously mentioned. Councillor Yake was in favour of deferral of this application.

Councillor McCabe sits on the SVCA as the Township representative. He will ask about this application when he attends a meeting on May 28.

Mayor Lennox questioned if there are other variances required if the building is scaled back.

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

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, MAY 25, 2015 – 7:00 P.M.
A08/15**

Committee directed staff to:

- Determine a reduced building envelope
- Investigate ground water issues
- Obtain more information from the SVCA
- Request further comments from the Planners regarding setbacks

ADJOURNMENT

RESOLUTION NUMBER CoA 2015-019

Moved by: Councillor Burke

Seconded by: Councillor Goetz

THAT the Committee of Adjustment meeting of May 25, 2015 be adjourned at 7:18 p.m.

CARRIED

Secretary Treasurer

Chairman

I am speaking tonight on behalf of
three of the landowners who are
concerned about the expansion of this
business. Ourselves, Harold and Nancy
Whitman and Paul Thornton who adjoin
the Reist property and Ross Kirkpatrick
whose home is directly across the
road.

There is one more adjoining residential property
one adjoining farm and 3 other residential
properties in close proximity.
Six of these have been severed from the
existing 50 acre farm.

Our understanding when he built the
first addition to the existing small farm
that that would be the only addition
allowed on his property and that
he was restricted not only to the
size of the addition but also that
it couldn't be higher than the bars

As this property is only 5 acres and in
close proximity to 6 to residential houses
we feel it is too small for the size
of manufacturing facility being proposed.

We ask that the people in charge of
passing the minor variance come out to
see where the houses are ~~to~~ situated
if they haven't already done so
before it is granted.

After farming all our lives when we built our retirement home in a farming community we expected normal farming practices as neighbors not a manufacturing facility.

Nobody wants to be a bad neighbor but we feel that this issue will have too big an impact on our property values to ignore. A manufacturing facility in anyone's backyard wouldn't be appreciated.

Questions

1. Home Industry is defined as secondary or to main permitted use.
2. Is there any rules in regard to noise levels i.e. large heavy equipment.
3. Are there any checks in place to determine the number of employees.

I am speaking tonight on behalf of three of the landowners who are concerned about the expansion of this business. Ourselves, Harold and Nancy Wheelham and Paul Thornton who occupy the Reist property and Ross Kuitpatri whose home is directly across the road.

There is one more adjoining residential property one adjoining farm and 3 other residential properties in close proximity. Six of these have been severed from the existing 50 acre farm.

Over understanding when he built the first addition to the existing small barn that that would be the only addition allowed on his property and that he was restricted not only to the size of the addition but also that it couldn't be higher than the barn.

As this property is only 5 acres and in close proximity to 6 residential houses we feel it is too small for the size of manufacturing facility being proposed.

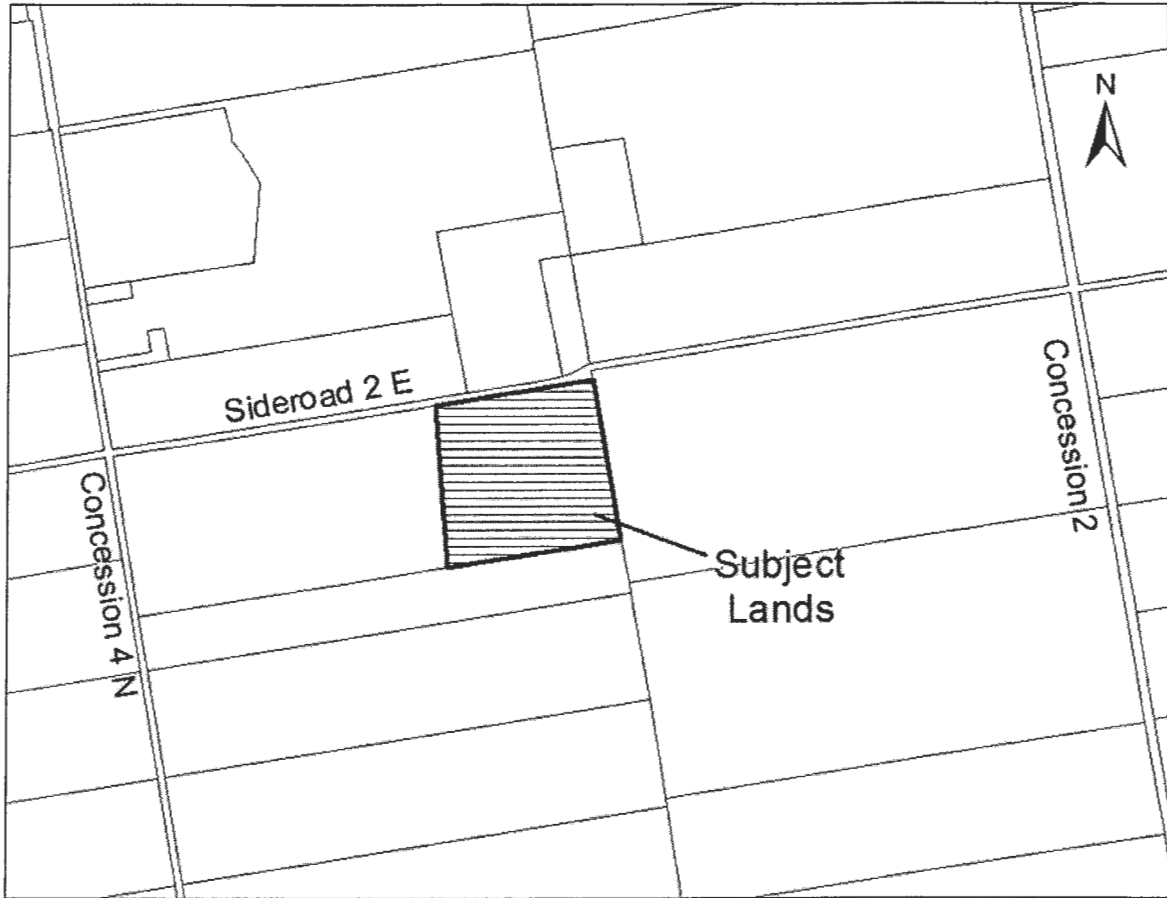
We ask that the people in charge of passing the minor variances come out to see where the houses are ~~to~~ situated if they haven't already done so before it is granted.

After farming all our lives when we built our retirement home in a farming community we expected normal farming operations as neighbors not a manufacturing facility.

Nobody wants to be a bad neighbor but we feel that this issue will have too big an impact on our property values to ignore. A manufacturing facility in anyone's backyard wouldn't be appreciated.

Questions

1. Home Industry is defined as secondary use to main permitted use.
2. Is there any rules in regard to noise levels i.e. large heavy equipment.
3. Are there any checks in place to determine the number of employees.



APPLICATION A09/15

Owners/Applicant: Heikki Jasson

CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: May 7, 2015

Roll No.: 23-49-000-008-09350-0000

File Number: A 09 / 15

Application Fee Received: \$ 750.00

A. GENERAL INFORMATION

1. *APPLICANT INFORMATION

a. *Registered Owner's Name(s): HEIKKI JAASON

Address: 5522 SILVERCREEK PKWY. N., GUELPH, ON, N1H 6J2

Phone: Home () Work () Fax ()

Email:

b. *Applicant (Agent) Name(s):

Address:

Phone: Home () 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: 7687 S.R. 2E KENILWORTH, ON, N0G 2E0
PT LT 4 CON 4 ARTHUR TWP. AS IN R0N67489 WELLINGTON N.

c. Concession: 4 Lot: 4 Registered Plan No.:

d. Area: 202,644 m² Depth: 1,520.00 Frontage (Width): 1,452.00 ft.

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: A1 agriculture with residential building permitted

B. EXISTING 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"/> | outhouse |
| 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?**

SIDEROAD 2E

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)

I am requesting that two existing small sheds be permitted to occupy an area that is within the S.U.C.A.'s designated 30m buffer zone of designated conservation ~~land~~ land. Upon review of site and structures, S.U.C.A. official concluded they had no issues with allowing the sheds to stay and that the next step in the process is said application.

continue to

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

(Please specifically indicate on sketch)

Both small sheds were constructed at an unknown date and fall outside of the conservation land, but within SVCA buffer zone. New ^(current) owner is seeking to ensure compliance and approval.

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

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

- a. The subject property: hobby farm 50 ac.
- b. The abutting properties: primarily agricultural (cash-crop, livestock)

12. a (DWELLING) *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>400 sq' cabin/dwelling</u> | _____ |
| b. Date of construction | <u>unknown</u> | _____ |
| c. Building height | _____ (m) <u>14</u> (ft) | _____ (m) _____ (ft) |
| d. Number of storey's (excluding basement) | <u>1</u> | _____ |
| e. Total floor area | _____ (sq m) <u>400</u> (sq ft) | _____ (sq m) _____ (sq ft) |
| f. Ground floor area | _____ (sq m) <u>400</u> (sq ft) | _____ (sq m) _____ (sq ft) |
| g. Percent lot coverage | <u>0.0?</u> (%) | _____ (%) |
| h. Number of parking spaces | <u>3</u> | _____ |
| i. Number of loading spaces | <u>N.A.</u> | _____ |

12. b
(SMALL SHED)

- a. tool shed (lawnmower +)
- b. unknown
- c. 12 x 22' 12' tall pole construction, gravel base
- d. 1
- e. 264 sq'
- f. 264 sq'
- g. 0.0?
- h. \emptyset
- i. N.A.

12. c
(LARGE SHED)

- a. tool shed / wood shed
- b. unknown
- c. 18 x 32' 13' tall pole construction, gravel base
- d. 1
- e. 576 sq'
- f. 576 sq'
- g. 0.0?
- h. \emptyset
- i. N.A.

existing

13. b.

(ML SHED)

- i front lot line 518'
- ii side lot line ~~980~~ 980'
- iii side lot line 450'
- iv rear lot line 990'

13. c.

(LARGE SHED)

- i front lot line 857'
- ii side lot line 575'
- iii side lot line 859'
- iv rear lot line 889'

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

(Please specifically indicate on sketch)

| | Existing | Proposed |
|-----------------------------------|-----------------------------|-------------------------|
| a. Distance from building to the: | | |
| i. Front lot line | _____ (m) <u>423'</u> (ft) | _____ (m) _____ (ft) |
| ii. Side lot line | _____ (m) <u>420'</u> (ft) | _____ (m) _____ (ft) |
| iii. Side lot line | _____ (m) <u>1002'</u> (ft) | _____ (m) _____ (ft) |
| iv. Rear lot line | _____ (m) <u>1082'</u> (ft) | _____ (m) _____ (ft) |

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

DECEMBER 2011

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

UNKNOWN, PRE-EXISTING

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

FARMING HAS CONTINUED FOR DECADES, HOBBY FARM

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:

To the best of my knowledge, no.

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 | [x] | No | [] |

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

- a. File No. of Application: B16111
- b. Purpose of Application: LOT LINE ADJUSTMENT
- c. Status of Application: COMPLETE

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) HEIKKI JAASON of the City of Guelph,

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 7th day of May, 2015.

Signature of Owner or Authorized Solicitor or Authorized Agent May 7, 2015
Date

Karren Wallace
CLERK Karren Wallace
Signature of Commissioner May 7/15
Date

OF THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH
COMMISSIONER FOR TAKING AFFIDAVITS
APPLICATION AND FEE OF \$ 750⁰⁰ RECEIVED BY MUNICIPALITY

Karren Wallace
Signature of Municipal Employee May 7/15
Date

PT LT 4 CON 4 ARTHUR TWP. AS IN RON 67489 WELLINGTON. N.

Explore Wellington

7687 S.R. 2E KENILWORTH

MR. HEIKKI JAASON 519 829 8512



Legend

- Municipal Offices
- OPP Stations
- Hospitals
- Fire Stations
- Information Centres
- Schools
- Post Offices
- Arenas
- Community Centres
- Curling Rinks
- Libraries
- Museums
- Park Parking Lots
- County Garages
- Parcels
- Roads
 - Local Road
 - County Road
 - Highway
- Railways
- Trails
- Building Footprints
- Waterbodies
- Watercourses
- Parks
- Urban Centres and Hamlets

1: 4,613



Notes

RECEIVED
SEP 10 2014

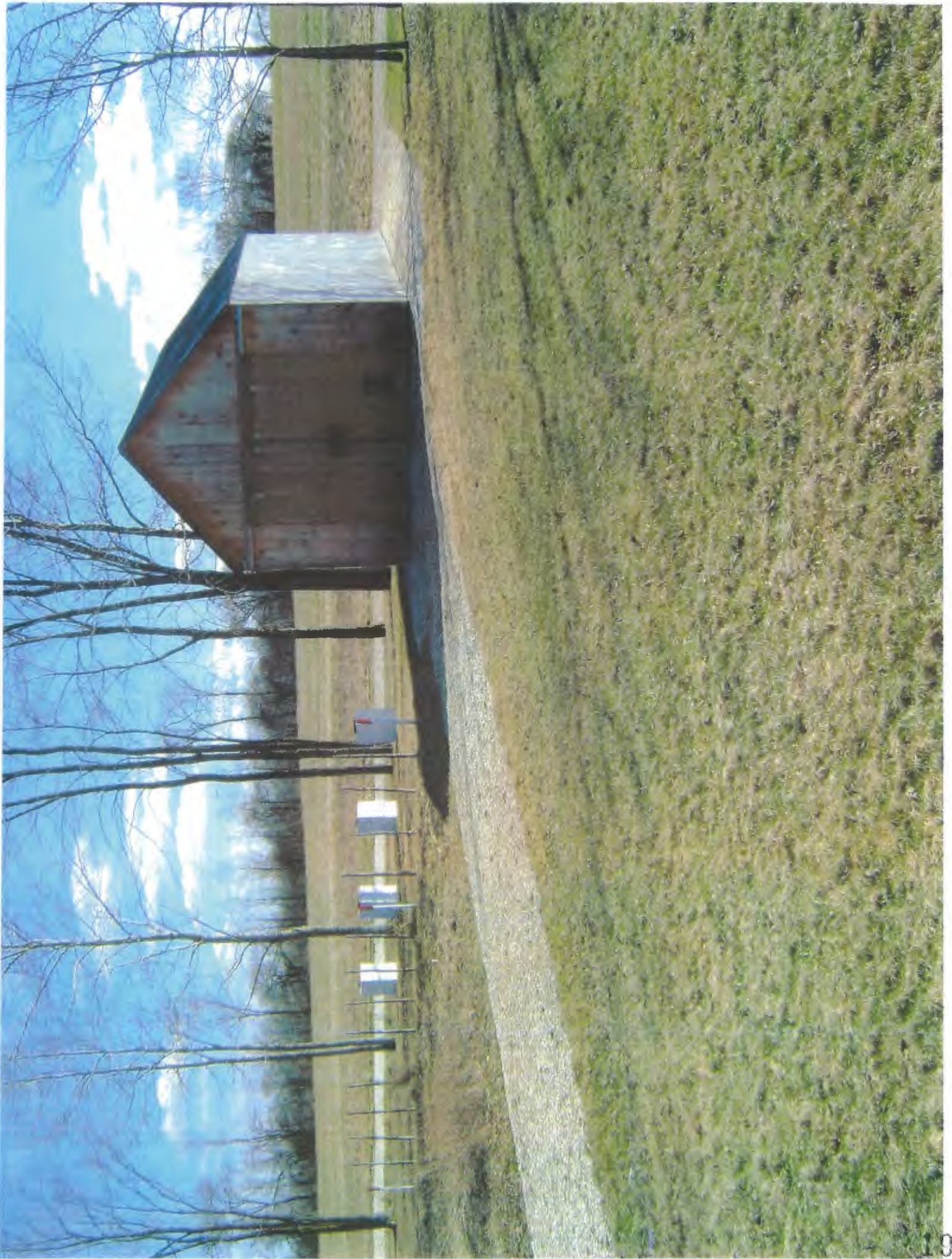
0.2 0 0.12 0.2 Kilometers

WGS_1984_Web_Mercator_Auxiliary_Sphere
Includes material © 2014 of the Queen's Printer for Ontario. All rights reserved.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS IS NOT SURVEY DATA. Parcels - Teranet 2002, Wellington County 2014

DRAWING COMPLETED BY APPLICANT ON MAY 6, 2015









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

May 26, 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 A9/15**
7687 Sideroad 2 E
Heikki Jasson

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

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.

We have 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.

SUBJECT PROPERTY AND LOCATION

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).

PURPOSAL

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.

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.

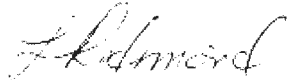
TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

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.

I trust that this information will be of assistance to Committee when making their decision on this application.

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 (djones@wellington-north.com)

June 4, 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 A9/15
7686 Sideroad 2E
Part Lot 4, Concession 4
Roll No. 234900000809350
Geographic Township of Arthur
Township of Wellington North (Heikki Jaason)

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 Natural Environment (NE) 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 NE 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. 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, are the significant woodlands and the Clare Creek Complex Provincially Significant Wetland (PSW) located on the easterly portion of the subject property.

Wellington County Official Plan

The significant woodlands on the subject property are designated as Greenlands and the Clare Creek Complex PSW are designated Core Greenland's in the Wellington County Official Plan.

Section 5.4 of the Wellington County Official Plan states in part:



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

“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.”

Section 5.4.1 of the Wellington County Official Plan states in part:

“All wetlands in the County of Wellington are included in the Core Greenlands. Development and site alteration will not be permitted in wetlands which are considered provincially significant.”

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.”

While this proposed minor variance is associated with buildings and structures already constructed, the SVCA would not have anticipated impacts on these Natural Heritage features or their adjacent lands from the construction of these buildings.

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 or 120 metres from a provincially significant wetland, whichever is greater, 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.*

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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 existing structures as shown on the site plan received by the SVCA December 31, 2014 will require a permit from the SVCA.

SVCA staff conducted an in office review of SVCA files and mapping and conducted a site review for the subject property. Based on a review of this information, it appears that the existing pond, located to the south east of the single detached dwelling, has been created since Ontario Regulation 169/06, as amended came into effect. The property owner was advised that this feature is subject to SVCA Regulation and permission from the SVCA is required prior to any development or alteration occurring in any SVCA Regulated Area. Permit 14-151 was issued for this pond on January 6, 2015.

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 majority of the north and all of the east 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 existing structures are within the NE zone based on review of Schedule A; Map 1 of the Township of Wellington North Zoning By-Law 66-01. It is the Authority's position that based on a site review, the existing structures are not within the natural hazard and therefore they do not need to be within the NE zone. The hazard zone appears to be 10.3 metres from the southernmost structure and at the western extent of the northern structure.

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 intent of 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,



Michelle Gallant
Regulations Officer
Saugeen Conservation

MG\mg

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cc: Karen Wallace, Clerk – Township of Wellington North (via email)
Heikki Jaason, Owner (via email)
Steve McCabe, SVCA Director (via email)