

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT - JUNE 24, 2024  
CLOSED SESSION AT 7:00 P.M. , FOLLOWED BY OPEN SESSION  
MUNICIPAL OFFICE COUNCIL CHAMBERS, KENILWORTH  
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING**

**HOW TO JOIN**

Join from a PC, Mac, iPad, iPhone or Android device:

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Description: Public Meeting Under the Planning Act

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Webinar ID: 872 9775 1683

**PAGE  
NUMBER**

**CALLING TO ORDER**

**DISCLOSURE OF PECUNIARY INTEREST**

A04/24 John Wheeler

**MINUTES OF PREVIOUS MEETING**

Committee of Adjustment, May 21, 2024 (A03/24)

3

Recommendation:

THAT the Committee of Adjustment meeting minutes of May 21, 2024 – A03/24 be adopted as presented.

**APPLICATION**

A04/24 – John Wheeler

**THE LOCATION OF THE SUBJECT PROPERTY** is described as WEST LUTHER Concession 7, Part Lot 10; RP 61R11923 PART 1 and is Municipally known as 8420 Line 6, Damascus, Wellington North. The property is approximately 3.15 ha (7.8 ac) in size. The location of the property is shown on the map attached.

8

**THE PURPOSE AND EFFECT** of the application is to permit an accessory dwelling unit (ADU) to be a distance of 88 m (288.7 ft) from the main dwelling, which exceeds the maximum permitted setback of 60 m (278.9 ft). The applicants are proposing to construct an ADU in an existing detached garage on the subject lands. Other variances may be considered where deemed appropriate.

## SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on June 6, 2024.

## PRESENTATIONS

Jessica Rahim, Senior Planner and Jamie Barnes, Junior Planner, County of Wellington, Township of Wellington North

- Planning Report dated June 14, 2024 9

## CORRESPONDENCE FOR COMMITTEE'S REVIEW

Jessica Conroy, Resource Planner, Grand River Conservation Authority

- Letter dated June 17, 2024 (Deferral Requested) 12

## REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

## CHAIRPERSON OPENS FLOOR FOR COMMENTS/QUESTIONS

## COMMENTS/QUESTIONS FROM THE COMMITTEE

## DECISION

CALL FOR VOTE: SHOW OF HANDS (no mover/seconded required)

*THAT* the minor variance applied for in Application A04/24, for the property described as WEST LUTHER Concession 7, Part Lot 10, RP 61R11923 PART 1, with a civic address of 8420 Line 6, to provide the following relief;

1. **THAT a increased distance from the main dwelling of 88 m (288.7 ft) be permitted, for an Additional Dwelling Unit (detached) accessory building, whereas the By-Law requires 60 m (196.8 ft).**
2. **THAT this approval is conditional upon Grand River Conservation Authority approval.**

## ADJOURNMENT

Recommendation:

THAT the Committee of Adjustment meeting of June 24, 2024 be adjourned at



arena with a total floor area of 647 m<sup>2</sup> (6,960 ft<sup>2</sup>), a height of 25 ft (7.62 m) and a reduced side yard setback of 2 m (6.6 ft). The applicants are also proposing to construct an addition to the existing hobby barn with a total floor area of 96 m<sup>2</sup> (1,034 ft<sup>2</sup>). Other variances may be considered where deemed appropriate.

## **SECRETARY TREASURER**

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on April 26, 2024.

## **PRESENTATIONS**

Jessica Rahim, Planner, County of Wellington, Township of Wellington North

- Planning Report dated May 10, 2024

Planning Opinion: The variance requested would provide relief from the maximum floor area, maximum height and reduced side yard setback requirements for an accessory structure/riding arena, and to provide relief from the maximum floor area for a hobby barn addition. The applicant is proposing to build a personal garage/riding arena with a total floor area of 647 m<sup>2</sup> (6,960 ft<sup>2</sup>), a height of 25 ft (7.62 m) and a reduced side yard setback of 2 m (6.6 ft). The applicants are also proposing to construct an addition to the existing hobby barn with a total floor area of 96 m<sup>2</sup> (1034 ft<sup>2</sup>).

The Committee should be 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.

If approved, we would recommend that the following conditions be applied:

1. That the accessory structure is used only for personal storage.
2. That the accessory structure cannot be used for business purposes or habitation.

## **SUBJECT PROPERTY AND LOCATION**

The location of the subject property is described as Concession 8 W Part Lot 8 RP 61 R5583, Part 1 and is municipally known as 8343 Line 8. The property is approximately 1.27 ha (3.1 ac) in size.

## **PROPOSAL**

The purpose of this application is to provide relief from the maximum floor area, maximum height and reduced side yard setback requirements for an accessory structure/riding arena, and to provide relief from the maximum floor area for a hobby barn addition. The applicant is proposing to build a personal garage/riding arena with a total floor area of 647 m<sup>2</sup> (6,960 ft<sup>2</sup>), a height of 25 ft (7.62 m) and a reduced side yard setback of 2 m (6.6 ft). The applicants are also proposing to construct an addition to the existing hobby barn with a total floor area of 96 m<sup>2</sup> (1034 ft<sup>2</sup>).

## **WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated PRIME AGRICULTURE. Permitted uses in the prime agricultural area include single detached dwellings and accessory buildings. The hobby barn is considered as an accessory building. 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 Site specific (A-43). The site-specific zone permits a fish hatchery which is no longer existing/operating on the subject lands. The applicant is proposing to construct a new workshop/riding arena and an addition to the hobby barn and requires the following variance:

| <b>Workshop/Riding Arena</b>   | <b>Permitted</b>                                 | <b>Proposed</b>                                | <b>Difference</b>                                |
|--|--|--|--|
| <b>Height, Maximum</b><br>Section 6.1.3 b                                | 6.7 m<br>(22 ft)                                 | 7.62 m<br>(25 ft)                              | 0.92 m<br>(3 ft)                                 |
| <b>Lot Coverage</b><br>Section 6.1.4 b                                   | 269.4 m <sup>2</sup><br>(2,900 ft <sup>2</sup> ) | 647 m <sup>2</sup><br>(6,960 ft <sup>2</sup> ) | 377.6 m <sup>2</sup><br>(4,060 ft <sup>2</sup> ) |
| <b>Interior Side Yard, Minimum Accessory Building</b><br>Section 8.2.4 b | 3 m<br>(9.8 ft)                                  | 2m<br>(6.6 ft)                                 | 1m<br>(3.2 ft)                                   |
| <b>Interior Side Yard, Minimum Livestock building</b><br>Section 8.2.4 c | 18.3 m<br>(60 ft)                                | 2 m<br>(6.6 ft)                                | 16.3 m<br>(53.4 ft)                              |

| <b>Hobby Barn</b>                                  | <b>Permitted</b>                                | <b>Proposed</b>                               | <b>Difference</b>                               |
|--|---|---|---|
| <b>Ground Floor Area, Maximum</b><br>Section 8.3.1 | 37.2 m <sup>2</sup><br>(400.4 ft <sup>2</sup> ) | 96 m <sup>2</sup><br>(1,034 ft <sup>2</sup> ) | 58.8 m <sup>2</sup><br>(634.6 ft <sup>2</sup> ) |

As per the Zoning By-law, an accessory building is to be used for a purpose incidental, subordinate and exclusively devoted to the main building. It is understood that the proposed garage is to be used for personal storage and any further uses beyond the aforementioned will be required to comply with the Zoning By-law.

With respect to the impact, the property is surrounded by large farm uses with existing livestock facilities. There are no rural residential uses in proximity that may be impacted. It is also noted that the proposed 2 m (6.6 ft) setback should still allow for maintenance of the building.

**CORRESPONDENCE FOR COMMITTEE’S REVIEW**

- Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority
- Letter dated May 14, 2024 (No Objections)

## REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

## CHAIRPERSON OPENS FLOOR FOR COMMENTS/QUESTIONS

Dale Eastep, Applicant, was present and advised the proposed shop/riding arena would be 60 feet deep by 120 feet long and the structure would be split in the middle with a solid concrete wall and insulated divide. The workshop would be 60'x60' and the riding arena would be 60'x60'. This design would permit them to share the heating from the shop to the riding arena. They currently have two horses, four sheep and a couple goats. The current hobby barn has a small space for animals, space for the stairs, and storage for hay and feed. The expansion to the barn would allow them to have enough room for the horses during inclement weather. There is a concrete pad outside the barn and they would like to extend the barn over the pad.

Cleon Martin, Agent for the Applicant, was present.

## COMMENTS/QUESTIONS FROM THE COMMITTEE

Chair Lennox inquired if the barn addition will exceed the five nutrient units. Mr. Martin responded that the addition will not exceed the five nutrient units.

Member McCabe asked if the two smaller outbuildings shown on the map are still standing, or, are they trailers. Mr. Eastep explained one is a trailer that was removed, and the other is a storage container. The previous owners had erected a twenty by thirty tarped shed but it was recently destroyed by a wind storm and it will not be replaced. It was close to the trailer on the map towards the bottom of the property.

Chair Lennox commented that we are proposing conditions that these buildings cannot be used for human habitation and questioned if the property is eligible for an ARU. CBO advised it is eligible, but because of the nature of the proposed construction it would not conform for human habitation. If they wanted an additional residential unit it would have to be in the existing house or a different dwelling.

## DECISION

THAT the minor variance applied for in Application A03/24, for the property described as Concession 8, W Part Lot 8 RP 61R5583, Part 1, geographic Township of West Luther, with a civic address of 8343 Line 8, to provide the following relief;

1. **THAT an increased Height of 7.62 m (25 ft) be permitted, for a proposed workshop/riding arena, whereas the By-law allows 6.7 m (22 ft);**
2. **THAT an increased Lot Coverage of 647 m<sup>2</sup> (6,960 ft<sup>2</sup>) be permitted whereas the By-law allows a maximum of 269.4 m<sup>2</sup> (2,900 ft<sup>2</sup>);**
3. **THAT a reduced Interior Side Yard Setback of 2 m (6.6 ft) be permitted for a proposed accessory structure/riding arena, whereas the By-law requires 3 m (9.8 ft);**

4. **THAT a reduced Interior Side Yard Setback of 2 m (6.6 ft) be permitted for a proposed livestock building (riding arena), whereas the By-law requires 18.3 m (60 ft); and**
5. **THAT an increase Ground Floor Area maximum of 96 m<sup>2</sup> (1,034 ft<sup>2</sup>) be permitted, for a proposed hobby barn addition, whereas the By-law permits 37.2 m<sup>2</sup> (400.4 ft<sup>2</sup>).**
6. **THAT the accessory structure is used only for personal storage**
7. **THAT the accessory structure cannot be used for business purposes or habitation.**

APPROVED

## ADJOURNMENT

RESOLUTION: COA 008-2024

Moved: Burke

Seconded: McCabe

THAT the Committee of Adjustment meeting of May 21, 2024 be adjourned at 7:34 p.m.  
CARRIED

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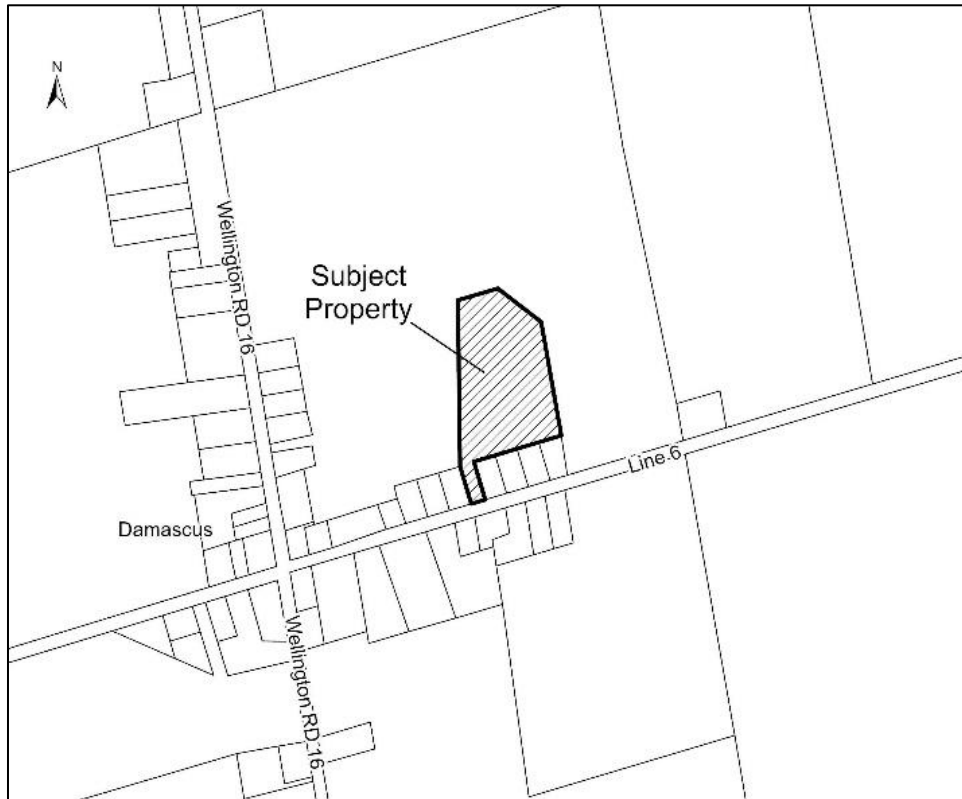
CHAIRPERSON

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SECRETARY TREASURER



**A04/24 JOHN WHEELER 8420 LINE 6**







## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR  
TEL: (519) 837-2600  
FAX: (519) 823-1694  
1-800-663-0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

June 14<sup>th</sup>, 2024

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 A04/24**  
**WEST LUTHER CON 7 PT LOT 10; RP 61R11923 PART 1**  
**8420 Line 6, Wellington North**  
**John Wheeler**

We have reviewed the application for minor variance and provide the following comments. Please be advised that these comments were formulated without the benefit of a site visit.

**Planning Opinion:** The variance requested would provide relief from Section 6.29.2 g) of the Zoning By-law which states that an Additional Dwelling Unit (Detached) shall be located within 60 m (196.8 ft) of the main residence. The applicant is proposing to construct an Additional Dwelling Unit (ADU) in an existing detached garage on the subject lands that is located approximately 88 m (288.7 ft) from the main residence.

We have no concerns with the application as it maintains the general intent and purpose of the Official Plan and Zoning By-law is minor, desirable, and appropriate for the development of the subject lands.

### SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as WEST LUTHER CON 7 PT LOT 10; RP 61R11923 PART 1 and municipally known as 8420 Line 6. The property is approximately 3.15 ha (7.8 ac) in size with an existing dwelling, shed and detached garage. The location is shown on Figure 1.

### PROPOSAL

The purpose of this application is to provide relief from Section 6.29.2 g) of the Zoning By-law which states that an Additional Dwelling Unit (Detached) shall be located with 60



Figure 1. 2020 Aerial photo

m (196.8 ft) of the main dwelling. The applicant is proposing to construct an ADU in an existing detached garage on the subject lands that is located approximately 88 m (288.7 ft) from the primary residence.

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated PRIME AGRICULTURAL and GREENLANDS, with a small portion of the property being located in the HAMLET AREA of Damascus. Identifying features includes the Grand River Conservation Authority Flood Plain. Within the Primary Agricultural designation, accessory residential uses are permitted, subject to Section 4.4.6 of the County Official Plan. The policies in the County Official Plan allows for a second unit within a building or structure that is ancillary to a single detached dwelling, subject to (but not limited to) the following criteria being met.

- The unit is located within the main building cluster;
- Is clearly secondary to the primary dwelling; and
- That minimum distance separation has been reviewed;

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 Exception (A-75), Natural Environment (NE) and a small portion of the property (Driveway) being zoned Unserviced Residential (R1A) Zone. Section 6.29.2 of the Zoning By-law permits an additional dwelling unit to be constructed in any zone where a single detached, semi-detached or street townhouse dwelling is permitted. The intent of these provisions is to ensure that the subject property can accommodate the ADU and that the use is compatible with abutting properties. The applicant is proposing to construct an ADU in an existing detached garage on the subject lands that is located approximately 88 m (288.7 ft) from the primary residence. Planning staff note the proposed ADU meets all other requirements of Section 6.29.2. The following relief is requested:

| <b>Residential Additional Dwelling Unit (ADU)</b>               | <b>Required</b> | <b>Proposed</b> | <b>Relief</b>  |
|---|-----------------|-----------------|----------------|
| <b>Additional Dwelling Unit (Detached)</b><br>Section 6.29.2 g) | 60 m (196.8 ft) | 88 m (288.7 ft) | 28 m (91.8 ft) |

Additionally, the subject property has a special provision allowing for a propane tank refurbishing business that shall be considered a home industry. Planning staff note that this business is no longer operating on the subject property and should be removed in the next housekeeping amendment.

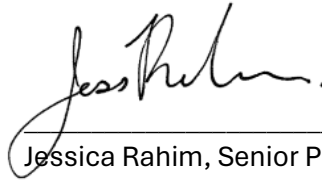
Overall, Planning Staff have no concerns with the proposed minor variance application. The large rural lot can accommodate siting the ADU further than 60 m form the main dwelling without causing any effect on the neighbouring properties while still utilizing the single driveway access. The variance requested is minor and appropriate for the use of the lot. The variance meets the general intent of the Official Plan and Zoning By-law. I trust that this information will be of assistance to the Committee when making their decision on this application.

Yours truly,



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Jamie Barnes, Junior Planner



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Jessica Rahim, Senior Planner



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

Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 [www.grandriver.ca](http://www.grandriver.ca)

June 17, 2024

via email

GRCA File: A04-24 – 8420 Line 6

Tammy Pringle  
Development Clerk  
Township of Wellington North  
7490 Sideroad 7 West, PO Box 125  
Kenilworth, ON, N0G 2E0

Dear Tammy Pringle,

**Re: Application for Minor Variance A04/24**  
8420 Line 6, Township of Wellington North  
Owner: Tim Wilson  
Agent: John Wheeler

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application. We understand that the purpose and effect of the application is to permit an accessory dwelling unit (ADU) to be a distance of 88 metres from the main dwelling.

### **Recommendation**

At this time, GRCA recommends deferral of this minor variance application to allow the applicant to provide additional information. For the GRCA to support this application, the applicant would need to demonstrate that safe access is available to the proposed ADU. Please see detailed comments below.

### **Documents Reviewed by Staff**

GRCA staff have reviewed the following documents submitted with this application, received by GRCA staff on June 5, 2024:

- Notice of Public Hearing (Township of Wellington North, dated June 6, 2024);
- Application for a Minor Variance (Township of Wellington North, dated May 27, 2024);  
and
- Explore Wellington Map (circulated with application).

### **GRCA Comments**

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 41/24 and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains a watercourse, floodplain and the regulated allowance adjacent to these features. A copy of GRCA's resource mapping is attached. A portion of the subject property is also designated Core Greenlands within the County of Wellington Official Plan.

Due to the presence of the features noted above, a portion of the subject property is regulated by the GRCA under Ontario Regulation 41/24. Any future development or other alteration within the regulated area on the subject property will require prior written approval from GRCA in the form of a permit.

We understand that an ADU is proposed within the existing accessory building on the property. The existing accessory building appears to be located outside of the natural hazard features noted above. However, the access to the proposed ADU crosses over a watercourse and through the floodplain. The Natural Hazards policies in the Provincial Policy Statement (PPS, 2020) do not permit development in areas that would be rendered inaccessible to people and vehicles during times of flooding unless it has been demonstrated that the site has safe access appropriate for the nature of the development. In order to satisfy these policies, and for GRCA to support this minor variance application, it must be demonstrated that safe access is available to the ADU during times of flooding. If safe access is not available, the GRCA would not be in a position to support the proposed minor variance application.

Based on information currently available, safe access does not appear to be available to the rear area of the property where the ADU is proposed. As such, GRCA recommends deferral of the proposed application so that the applicant may provide the additional information.

**Safe Access** means locations where during the Regulatory Flood, the flow velocity does not exceed 1.7 m/s, the product of depth and velocity does not exceed 0.4 m<sup>2</sup>/s, the depth of flooding along access routes to residential units does not exceed 0.8 metres, and the depth of flooding adjacent to residential units does not exceed 1.2 metres.

Current GRCA mapping indicates that the subject property contains floodplain; however, the floodplain is *estimated* and we do not have a floodplain model available for the subject property. This means the floodplain may be different or greater than current mapping suggests. The estimated Regulatory Floodplain Elevation (RFE) at this location is 488.14 metres (CGVD28). The estimated velocity is 1.9 m/s. As noted above, it appears that safe access may not be available to the proposed ADU.

A topographic survey, completed by a licenced Ontario Land Surveyor (OLS), should be completed to accurately determine the existing elevations on the property including the area around the proposed ADU, watercourse, crossing and driveway.

A hydraulic (floodplain) analysis may also be needed to more accurately define the floodplain boundary and demonstrate safe access to the ADU. If it is determined that the hydraulic analysis is required, GRCA staff would be available to assist with reviewing the proposed scope of the study.

**In summary, GRCA requests the following in support of this minor variance application:**

- Detailed site plans including:
  - Footprint of the proposed ADU and septic system design (septic system should be outside of the floodplain boundary).
  - The estimated floodplain boundary should be clearly delineated on all plans. The vertical datum used (for example, CGVD 28 or CGVD 2013) should also be clearly indicated.
- Topographic survey, completed by an OLS, showing existing elevations in the area around the ADU, watercourse, crossing and driveway.

Depending on the existing elevations provided in the topographic survey, a hydraulic analysis demonstrating Safe Access to the proposed ADU may also be required. The applicant is advised to consult with the GRCA for scoping the analysis and a terms of reference should be submitted to the GRCA for review and approval.

**Fees**

Consistent with GRCA's 2024 approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$300.00 for GRCA's review of this application. If the applicant chooses to proceed with the hydraulic analysis, the 'major' minor variance fee of \$675.00 would apply. The GRCA would invoice the applicant for the difference.

Should you have any questions, please contact me at [jconroy@grandriver.ca](mailto:jconroy@grandriver.ca) or 519-621-2763 ext. 2230.

Sincerely,



Jessica Conroy, MES Pl.  
Resource Planner  
Grand River Conservation Authority

Enclosed: GRCA Map

Copy: Tim Wilson – Owner (via regular mail)  
John Wheeler – Agent (via email)  
Curtis Marshall, Wellington County (via email)





Legend

- Regulation Limit (GRCA)
- Floodplain (GRCA)**
  - Engineered
  - Estimated
  - Approximate
  - Floodplain - Special Policy Area (GRCA)
- Slope Erosion (GRCA)**
  - Steep
  - Oversteep
  - Toe
- Slope Valley (GRCA)**
  - Steep
  - Oversteep
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)
- Conservation Area Boundary (GRCA)

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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. See [Sources and Citations](#) for details.

Scale 1:3,669



NAD83 UTM zone 17 (EPSG:26917)