



# Township of Wellington North

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

## COMMITTEE OF ADJUSTMENT

Monday, April 19th, 2010 – 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

## A G E N D A

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AGENDA ITEM	PAGE NO.
<u>Chairman</u>	
1. Officially open the public meeting.	
2. Declaration of Pecuniary Interest and General Nature Thereof.	
3. Minutes, A1/10 and A2/10 (attached)	01
<b><u>APPLICATION A3/10</u></b>	
<b>Applicant: Abner B. Wideman and Adeline Wideman</b>	
THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 3, Concession 6 with a civic address of 9545 Concession 6 N. The property is occupied by a farm equipment sales and service business. The location of the property is shown on the map attached.	08
THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required rear yard and interior side yard setbacks to a utility shed. The applicants are proposing to construct a new 1114 sq.m (12,000 sq.ft.) shed and the variances are required in order to facilitate this. The variance may also address regulations dealing with any other site regulations deemed appropriate.	
4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on April 7th, 2010 as well as posted on the property.	

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
5. Township Planner – Linda Redmond will review the County comments (attached).	09
6. Correspondence/Comments received: <ul style="list-style-type: none"><li>- Saugeen Valley Conservation Authority – no objection</li></ul>	11
7. 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"><li>- Comments and questions</li></ul>	
8. Adjournment.	

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A1/10 and A2/10**

The Committee of Adjustment met on Monday, March 1, 2010 at the Kenilworth Municipal Office, at 6:45 p.m.

1. The Chairman called the meeting to order.

**Members Present: Chairman: Mike Broomhead  
Ross Chaulk  
Bob Mason  
John Matusinec  
Dan Yake**

**Also Present: Alt. Secretary-Treasurer, Lorraine Heinbuch  
Executive Asst., Cathy Conrad  
Township Planner, Linda Redmond**

2. **Disclosure of Pecuniary Interest and General Nature Thereof**

Councillor Chaulk declared conflict with A1/10, Amos Martin and Malinda Martin, due to his business relationship with the applicant. He vacated the Council Chamber for this application hearing.

3. **Minutes**

**Moved by: Councillor Mason  
Seconded by: Councillor Chaulk**

***THAT the Committee of Adjustment meeting minutes of October 19, 2009 – A7/09 be adopted as presented.***

**Resolution No. 1**

**Carried**

The public meeting was held to consider Minor Variance Applications A1/10 and A2/10 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A1/10 and A2/10**

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**APPLICATION A2/10**

**Applicant: Gerald Benham and Susan Benham**

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Part Lot 18, West side Fergus St., with a civic address of 185 Fergus Street. The property is occupied by a single family dwelling.

**THE PURPOSE AND EFFECT OF THE APPLICATION** is to provide relief from the required side yard setbacks and lot area requirements. The subject lands received provisional approval in June 2009 to sever the parcel in half creating a vacant residential parcel. This application is required as a condition of this consent application B64/09.

4. The Alt. Secretary-Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on February 18, 2010 as well as posted on the subject property.
  
5. Linda Redmond, Township Planner, County of Wellington

Ms. Redmond reviewed correspondence dated February 26, 2010 from Mark Van Patter, Township Planner. This application involves 8 variances, most of them relatively minor. The Committee may wish to pay particular attention to potential impacts on the existing dwelling just west on King Street. The Committee could request a site plan to get a better idea of how the proposed semi-detached building will be sited on the severed lot.

The Provincial Policy Statement encourages intensification in urban areas where it is reasonable and compatible.

Under the Wellington County Official Plan the subject property is designated Residential Transition Area in the Mount Forest Urban Centre. 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. Under the Wellington North Zoning By-law the subject lands are zoned MU1 (Mixed Use Zone). The property was recently severed by application B64/09 splitting the larger residential property with the intention of constructing a semi-detached dwelling on the severed parcel. As a result of the severance several deficiencies are present.

# TOWNSHIP OF WELLINGTON NORTH

## COMMITTEE OF ADJUSTMENT

### A1/10 and A2/10

#### Page Three

The Committee could determine that the eight variances being sought are too many and require the relief to be obtained through a zoning amendment. However, the Committee should also look at the impacts and whether they are potentially minor. Mr. Van Patter felt the brick dwelling is existing and the variances being requested would only recognize its location. The neighbour to the north will not be further affected.

The requested variances for the proposed semi-detached seem to be relatively minor. The Committee might wish to have the applicant provide a site plan to get a better idea of how the proposed semi-detached will impact the existing dwelling to the west. How will the 20 foot setback being proposed compare with the existing neighbours to the west on King Street where the setbacks all seem uniform?

6. Correspondence/Comments received from:

- Saugeen Conservation Authority, Cara Holtby, Environmental Planning Coordinator
  - No Objection

7. Questions/Comments

The applicant and his agent, Scott Maitland, were present to answer any questions or address comments.

Mr. Maitland stated that the variances would allow for increased living space for the dwellings. The driveways for the dwellings would be off of King Street. The garages will be in the centre of the building.

Ms. Redmond confirmed that semi detached residences are required to have a garage. The maximum lot coverage allowed is 45% for this type of development.

No one was present in support of the proposed minor variance.

No one was present to make oral and/or written submissions against this application.

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A1/10 and A2/10**

**Page Four**

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

**Moved by: Councillor Chaulk**

**Seconded by: Councillor Mason**

*That the minor variance applied for in Application A2/10 be authorized.*

**Resolution No. 2**

**Carried**

**APPLICATION A1/10**

**Applicant: Amos Martin and Malinda Martin**

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Lot 6, EOSR E Div 3 to 4 with a civic address of 9723 Hwy. #6. The property is approximately 34.3 ha. (85 ac.) in size and is occupied by a residence and farm buildings.

**THE PURPOSE AND EFFECT OF THE APPLICATION** is to provide relief from the MDS II setback requirements to the nearest neighbours dwelling. The required distance to the nearest neighbours dwelling is approximately 156m (513 ft.), whereas approximately 133m (436 ft.) is being requested. The applicants are proposing to construct a new boiler barn, which would not meet the required distances. The minor variance may also consider any other MDS II setback reductions that may be required once a complete review has been done.

Councillor Chaulk previously declared a conflict of interest due to his business relationship with the client and vacated the Council Chamber for this application.

8. Alt. Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on February 18, 2010 as well as posted on the property.

# TOWNSHIP OF WELLINGTON NORTH

## COMMITTEE OF ADJUSTMENT

### **A1/10 and A2/10**

#### **Page Five**

9. Linda Redmond, Township Planner, County of Wellington

Ms. Redmond reviewed her correspondence dated February 12, 2010. The variance is being requested from Section 6.17.2 (Minimum Distance Separation 11 calculations) of the Wellington North By-law in order to construct a 1311 m<sup>2</sup> boiler barn within 133m (436 ft) of a dwelling, whereas 156m (513 ft) is required.

She had no concerns with the relief requested at this time. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property.

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.”

The subject property is designated PRIME AGRICULTURAL. Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

The subject lands are zoned Agriculture (A) and Natural Environment (NE). The applicants are proposing to construct a new 1311 m<sup>2</sup> (14,112 sq.ft.) boiler barn on the subject lands and are requesting relief for a minimum separation from the proposed building to the nearest neighbours dwelling. The MDS II calculations submitted with the application require a minimum setback from the barn to a nearest neighbours dwelling of 133m (436 ft), whereas 156m (513 ft) is required.

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A1/10 and A2/10**

**Page Six**

10. Correspondence/Comments received from:

SVCA, Erik Downing, Environmental Planning Technician

- No objection

Donald Cormack, RR 5 Mount Forest

- No objection
- Mr. Cormack stated that initially he did not have concerns but since has questioned how measurements were determined, who confirmed the measurements, what would happen if he would want to build a new house and why Mr. Martin chose this location rather than moving the barn back to a location where it would meet the requirements.

Ms. Redmond was not sure how the measurement was obtained. A survey was not attached to the application.

Norma Feletto and Mike Feletto, RR 5 Mount Forest

- Have concerns
- Mr. and Mrs. Feletto still had concerns as outlined in their correspondence and felt that the barn should be located at least 513 feet away from the nearest dwelling as per the rules.

11. Questions/Comments

The applicant was present to answer any questions or address comments.

Several neighbouring property owners were present.

Arnold Carter, owner of property at back of Mr. Martin's farm, expressed concern regarding the spreading of manure and asked if he could be assured the manure would be ploughed down immediately. Council informed Mr. Carter that the handling of manure falls under Ministry of Environment jurisdiction. It was advised that Mr. Carter and Mr. Martin discuss the issue to reach an agreement.

Mr. Martin thanked his neighbours for coming to the meeting and expressing their concerns. The old barn was taken down in early February and he had hoped to build the new barn in the same location. Mr. Martin asked for clarification regarding required distances.

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A1/10 and A2/10**

**Page Seven**

Ms. Redmond explained that 513 feet would be the required distance from the nearest dwelling. As there seems to be some question regarding the measurements supplied she recommended that more accurate measurements be taken if Mr. Martin wished to pursue his application. Mr. Martin would not need a minor variance if he located the barn further back on his property.

Mr. Cormack asked if the neighbours will be notified when measurements are being taken.

Ms. Redmond informed him that it is not up to the Township to provide measurements. The onus is on the owner of the land to construct appropriately. A survey would provide accurate measurements.

Mr. Cormack stated that his farm had been surveyed and measurements could be taken from a stake on his property.

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

**Moved by: Councillor Matusinec**

**Seconded by: Councillor Mason**

*That the minor variance applied for in Application A1/10 be deferred.*

**Resolution No. 3**

**Carried**

12. Adjournment

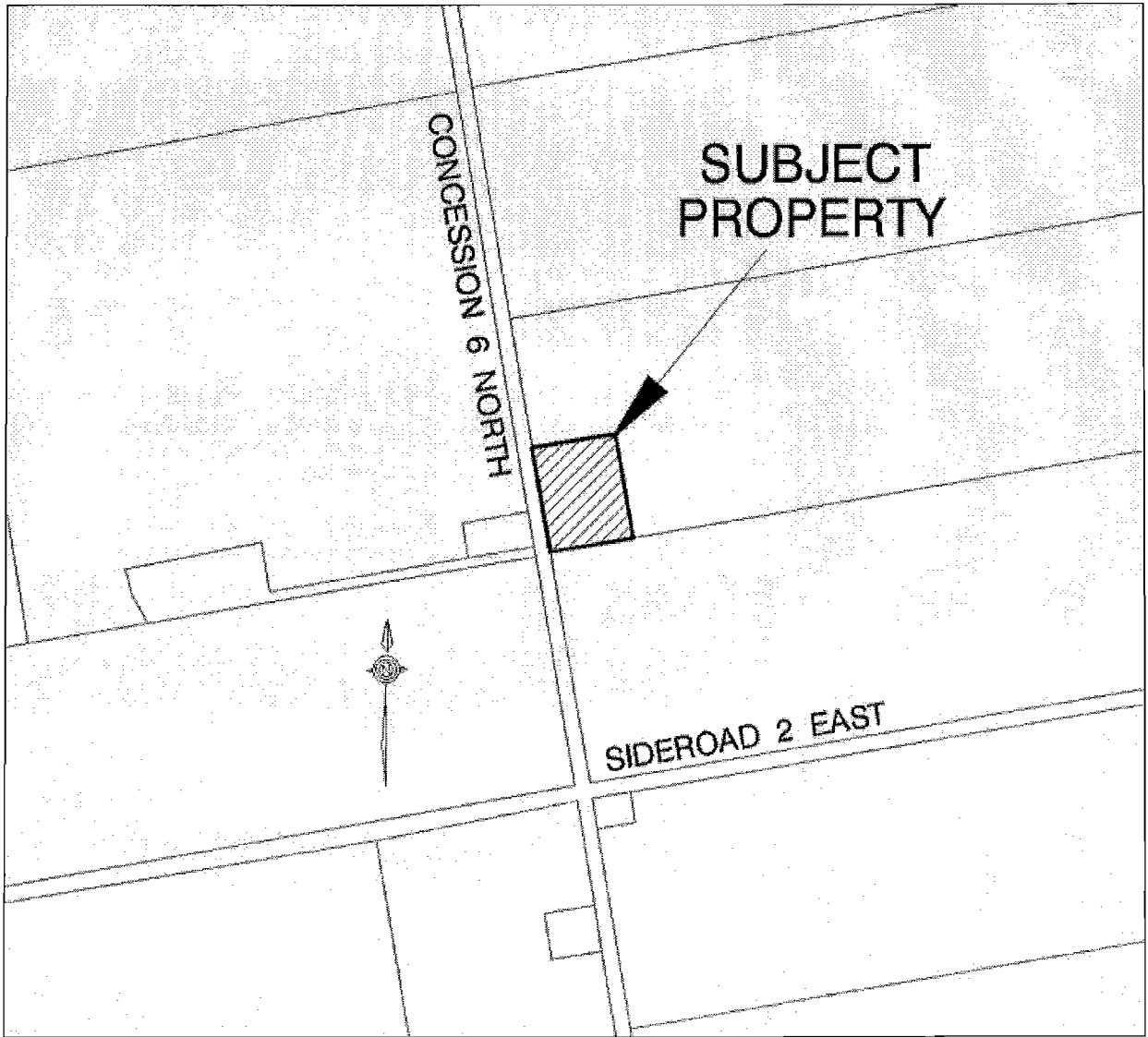
**Moved by: Councillor Matusinec**

**Seconded by: Councillor Mason**

*That the Committee of Adjustment meeting of March 1, 2010 be adjourned.*

**Resolution No. 4**

**Carried**





## 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 22, 2010

Mr. Darren Jones, Building Inspector  
Township of Wellington North Committee of Adjustment  
7490 Sideroad 7 West  
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

Re: **Minor Variance Application A3/10**  
**Part Lot 3, Concession 6**  
**9545 Concession 6 N**  
**Wideman**

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

**Planning Opinion:** The variances requested would provide relief from sections 23.2.4 & 23.2.6 of the Zoning By-law to allow a reduced interior side yard and rear yard to allow the construction of a 1114 sq.m (12,000 sq.ft.) building.

The applicant has not justified the need for such a large reduction in the rear and side yard setbacks and as such we have concerns with the relief requested at this time. The Committee should consider the need for the reduced setbacks and whether the request is minor, desirable and appropriate for the development of the subject property.

**Wellington County Official Plan:** The subject property is designated PRIME AGRICULTURAL. Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

**Wellington North Zoning By-law:** The subject lands are zoned Agriculture Commercial (AC). The applicants are proposing to construct a new 1114 sq.m (12,000 sq.ft.) utility shed on the subject lands and are requesting relief from the minimum rear yard and interior side yard setbacks. The following relief is requested:

1. An interior side yard setback of 1.2m (4 ft), whereas the by-law requires 6 m (19.7 ft). A difference of 4.78m (15.7 ft).
2. A rear yard setback of 1.2 m (4 ft), whereas the by-law requires 7.6m (24.9 ft). A difference of 6.4 m (20.9 ft).

Page 2  
Variance A3/10

**SITE PLAN**

The new building will be subject to site plan approval.

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

Yours truly,

A handwritten signature in cursive script, appearing to read "L. Redmond".

Linda Redmond, B.A.  
Planner



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(former Normanby Twp.)

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April 13, 2010

RECEIVED

APR 13 2010

Township of Wellington North  
7490 Sideroad 7, W  
Kenilworth, ON  
N0G 2E0

TWP. OF WELLINGTON NORTH

ATTENTION: Darren Jones, Building/Zoning Dept.

Dear Mr. Jones:

RE: Proposed Minor Variance A3/10  
Part Lot 3, Concession 6  
Geographic Township of Arthur  
Township of Wellington North

The Saugeen Valley Conservation Authority (SVCA) has reviewed this proposed minor variance in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington with respect to Plan Review. The SVCA has no objection to the approval of this proposed minor variance.

For this particular property, there are no natural heritage features or natural hazards affecting the property.

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 comply with the relevant policies of the Wellington Official Plan and Provincial Policies referred to in the agreement.

We trust this information is helpful. Should questions arise, please do not hesitate to contact this office.

Yours sincerely,

Erik Downing  
Environmental Planning Technician

ED/

cc: Mark Mackenzie, Director SVCA, via email

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Through  
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