

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT
MAY 9, 2022 @ 2:00 P.M.
VIA WEB CONFERENCING**

HOW TO JOIN

Join from a PC, Mac, iPad, iPhone or Android device:
Please click this URL to join. <https://us02web.zoom.us/j/81063557089>
Description: Public Meeting Under the Planning Act

Or join by phone:
Dial (for higher quality, dial a number based on your current location):
855 703 8985 (Toll Free) or 1 438 809 7799 (*long distance charges may apply*)
Webinar ID: 810 6355 7089

**PAGE
NUMBER**

CALLING TO ORDER - Chairperson Lennox

DISCLOSURE OF PECUNIARY INTEREST

- A10/22 Clayton & Alison Robertson

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, April 11, 2022 (A08/22)

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Recommendation:

THAT the Committee of Adjustment meeting minutes of April 11, 2022 – A08/22 be adopted as presented.

APPLICATION

A10/22 – Clayton & Alison Robertson

THE LOCATION OF THE SUBJECT PROPERTY is described EGREMONT EGR Concession 1 Division 1, Part Lot 31, RP 17R387, Part 2 and municipally known as 391055 Grey Road 109, Mount Forest. The subject land is approximately 19.9 ha (49.17 ac) in size. The location of the property is shown on the map attached.

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THE PURPOSE AND EFFECT of the application is to provide relief from Zoning By-law 66-01 specifically section 6.8 (a) to facilitate the construction of a shop and office with private well and septic within the urban area of Mount Forest. 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 14, 2022

PRESENTATIONS

Asavari Jadhav, Junior Planner and Jessica Rahim, Senior Planner, County of Wellington, Township of Wellington North

- Planning Report dated May 3, 2022 9

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Letter dated May 3, 2022 (No Objections) 11

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 ANY COMMENTS/QUESTIONS

COMMENTS/QUESTIONS FROM THE COMMITTEE

DECISION

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

THAT the minor variance applied for in Application A10/22, for the property described as EGREMONT EGR Concession 1 Division 1, Part Lot 31, RP 17R387, Part 2 and municipally known as 391055 Grey Road 109, Mount Forest, to provide the following relief;

1. **THAT relief from Section 6.8 a) to facilitate the construction of a shop/office building on private well and septic within the urban area of Mount Forest be allowed.**

ADJOURNMENT

Recommendation:

THAT the committee of adjustment meeting of May 9, 2022 be adjourned at _____.

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
APRIL 11, 2022 @ 2:00 P.M.
VIA WEB CONFERENCING <https://www.youtube.com/watch?v=Af9jm-EIRjI>

Members Present:

Mayor: Andrew Lennox
Councillors: Sherry Burke
Lisa Hern
Steve McCabe
Dan Yake

Staff Present:

Chief Administrative Officer: Michael Givens
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Director of Operations: Matthew Aston
Development Technologist: Tammy Stevenson
Manager of Environment and Development Services: Corey Schmidt
Community Recreation Coordinator: Mandy Jones
Manager of Recreation Services: Tom Bowden
Human Resources Manager: Amy Tollefson
Economic Development Officer: Dale Small
Chief Building Official: Darren Jones
Director of Fire Services: Chris Harrow
Manager of Development Planning: Curtis Marshall
Planner: Matthieu Daoust
Township Engineer: Dustin Lyttle

CALLING TO ORDER

Chairperson Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest declared.

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, March 21, 2022 (A07/22)

RESOLUTION: CoA 2022-009

Moved: Hern

Seconded: Yake

THAT the Committee of Adjustment meeting minutes of March 21, 2022 – A07/22 be adopted as presented.

CARRIED

APPLICATION

A08/22 – Mount Forest Lawn Bowling Club

THE LOCATION OF THE SUBJECT PROPERTY is described as Lot 19 Part Lot 20 and is municipally known as 310 King Street E, Mount Forest. The subject lands are approximately 1343.23 m² (0.33 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from minimum front yard, minimum exterior side yard setback and day lighting (sight) triangle requirements. The applicant is proposing to construct three sun shade structures and a sand box with a front yard setback of 1m (3.28ft) and an exterior side yard setback of 6.7m (21.98ft). A reduced day lighting (sight) triangle of 3.4m (11.15ft) is being requested to facilitate the installation of a pylon sign and recognize the location of the existing sprinkler control room. 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 March 18, 2022.

PRESENTATIONS

Matthieu Daoust, Planner presented the report prepared by Asavari Jadhav, Junior Planner & Matthieu Daoust, Planner, County of Wellington, Township of Wellington North

- Planning Report dated April 5, 2022

PLANNING OPINION

The purpose of this zoning amendment is to rezone the subject lands from Highway Commercial Exception (C2-14) Zone to Unserviced Residential (R1A) Zone to permit a single detached dwelling on the property.

Grand River Conservation Authority (GRCA) Staff have identified a significant slope and hazard lands on the subject property. GRCA staff have requested the completion of a geotechnical report before they can provide a final recommendation on the zone change request.

The purpose of this report is to provide the Township with an overview of the above referenced application and provide the comments received to date.

INTRODUCTION

The property subject to the proposed amendment is described as Part Park Lot 8, and has frontage on Wellington Rd 109, Arthur. The portion of the property subject to the proposed amendment (Part 1 in Figure 2) is approximately 0.49 ha (1.21 ac) in size and is currently vacant.

PROPOSAL

The purpose and effect of the proposed amendment is to rezone a portion of the subject lands to Unserviced Residential (R1A) to permit a single detached dwelling on the property. The property is currently zoned Highway Commercial with a site-specific provision (C2-14) which permits tourist commercial uses and an accessory single detached dwelling.

ADJACENT PROPERTY

In August 2018, the abutting parcel at 7840 Wellington Rd 109 received zoning approval to permit a single detached residential dwelling on private services. This zoning By-law Amendment rezoned the subject lands from Highway Commercial Exception (C2-14) zone to Unserviced Residential (R1A) zone.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is located within the settlement area of Arthur. Section 1.1.3.1 of the Provincial Policy Statement states that "settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted." Settlement areas are encouraged to include a mix of densities and land uses.

WELLINGTON COUNTY OFFICIAL PLAN

The property is within the Arthur Urban Centre and is designated Future Development and Core Greenlands. The objectives for areas designated Future Development are as follows:

- a) to provide for the orderly future development of the unbuilt areas of the Urban Centre;
- b) to limit development of such lands until an Official Plan Amendment including a proper site plan or concept plan for future uses has been submitted and approved;
- c) to prohibit any major development of these lands until the necessary municipal services can be made available to such areas.

The permitted uses within areas designated FUTURE DEVELOPMENT as illustrated on Schedule "A" of the Plan shall be limited to existing uses and the growing of crops including nursery and horticultural crops but does not include greenhouses.

Consideration may be given to the creation of a new lot by consent provided such development is in accordance with the policies of this plan.

In regards to the Core Greenlands area, the comments of the Grand River Conservation Area should be considered by Council.

WELLINGTON NORTH ZONING BY-LAW

The subject lands are zoned Highway Commercial Exception (C2-14). Permitted uses in the C2-14 zone include tourist commercial uses and an accessory single detached dwelling. The subject lands are proposed to be rezoned to Unserviced Residential (R1A) to facilitate the construction of a single detached dwelling.

GRCA COMMENTS

Grand River Conservation Authority (GRCA) Staff have identified a significant slope and hazard lands on the subject property. GRCA staff have requested the completion of a geotechnical report and a site plan examining the erosion and steep slope on and adjacent to the site before they can provide a final recommendation on the zone change request.

CONCLUSION

Once the owner has had further discussion and addressed GRCA concerns, Planning Staff will bring a final report and draft By-law for Council's consideration.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Danielle Walker, Source Protection Coordinator, Wellington Source Water Protection

- Email received March 23, 2022 (No Objection)

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Email received March 30, 2022 (No Objection)

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 ANY COMMENTS/QUESTIONS

Doug Kopp, member of the Mount Forest Lawn Bowling Club, has been assisting the club with the application. He explained that the sunshade buildings and sandbox being proposed are very small and will not make a very big impact. None of them require a building permit. The roof dimensions will be 8 X 8 roof dimensions whereas the buildings will be 7 X 7 and 7 X 11. The buildings will be open sided.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor Yake inquired what the sandbox is for. Mr. Kopp explained that when the field is being prepared, they use sand to level it, nothing it will have a lid.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A08/22, for the property described as Lot 19 Part Lot 20 and is municipally known as 310 King Street E, Mount Forest, to provide the following relief;

1. **THAT a reduced Front Yard Minimum of 1.0 m (3.2 ft) be permitted, for the proposed three (3) sunshade structures, sand box, pylon sign and recognize the location of the existing sprinkler control room, whereas the By-law requires 7.6 m (24.9 ft);**
2. **THAT a reduced Exterior Side Yard Minimum of 6.7 m (21.9 ft) be permitted, for the proposed three (3) sunshade structures, sand box and pylon sign, whereas the By-law requires 7.6 m (24.9 ft); and**
3. **THAT a reduced Day Lighting (Sight) Triangle be permitted of 3.4 m (11.1 ft) to facilitate the installation of a pylon sign, whereas the By-law requires 7.5m (24.6 ft).**

AND FURTHER THAT The proposed 1 m (3.2 ft) front yard setback is applicable solely to the three sunshade structures, sand box and the existing sprinkler control room. Any new structures will have to adhere to the requirements of Section 28.2 of the Zoning By-law.

APPROVED

ADJOURNMENT

RESOLUTION: CoA 2022-010

Moved: McCabe

Seconded: Yake

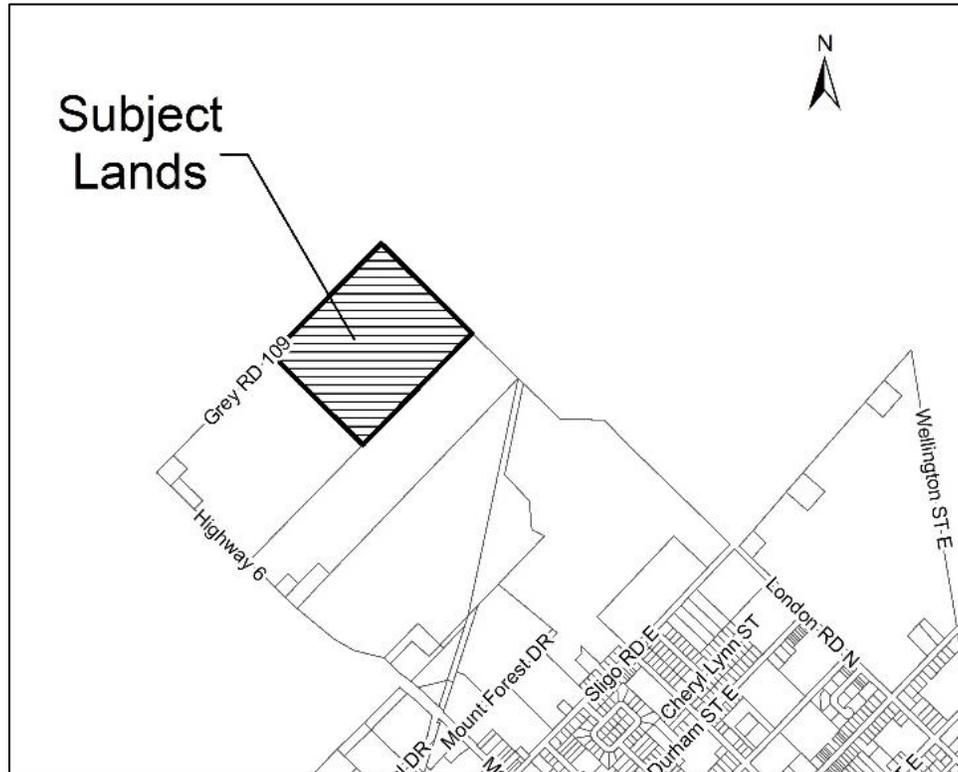
THAT the committee of adjustment meeting of April 11, 2022 be adjourned at 2:51 p.m.

CARRIED

Secretary Treasurer

Chair

CLAYTON & ALISON ROBERTSON





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

May 3rd, 2022

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 A10/22**
EGREMONT EGR Concession 1 Division 1, Part Lot 31, RP 17R387, Part 2
391055 Grey Road 109, Mount Forest
Clayton and Alison Robertson

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

Planning Opinion: The variance requested would provide relief from Zoning By-law 66-01 specifically Section 6.8 a) to facilitate the construction of a shop/office building on private well and septic within the urban area of Mount Forest. The applicant is proposing to construct a shop/office building on private well and septic system as there are no municipal services available to hook up to at this time.

We have no concerns with the requested relief 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.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as EGREMONT EGR Concession 1 Division 1, Part Lot 31, RP 17R387, Part 2 and is municipally known as 391055 Grey Road 109, Mount Forest. The subject property is approximately 19.9 ha (49.17 ac) in size. The location of the property is shown in Figure 1.

PROPOSAL

The purpose of this application is to provide relief from Zoning By-law 66-01 specifically Section 6.8 a) to facilitate the construction of a shop and office on private well and septic within the urban area of Mount Forest.



Figure 1. 2020 Aerial photo of subject lands

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated INDUSTRIAL, URBAN CORE GREENLANDS and GREENLANDS in the County Official Plan. The proposed use is to be located on the Industrial designation on the subject property. 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.

Further, Section 11.2.4 gives consideration to individual on-site servicing for new development in an urban center, stating that "Individual on-site servicing is not allowed in urban centre which have central septic systems except: ii) to allow a small scale use on an existing lot in an area where central services are not reasonably anticipated".

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Industrial Site Specific (M1-24) with a Holding Provision (H) and Natural Environment (NE) Zone. Council shall not remove the holding symbol until a satisfactory stormwater management plan has been completed, in consultation with the Saugeen Valley Conservation Authority.

The M1-24 shall be subject to the Industrial regulations of Section 24.2, except for the following: i) New industrial buildings with a floor area greater than 2,322.5m² (25,000 ft²) shall be setback at least 70 m (229.6 ft.) from an existing dwelling; and ii) Within the above metre setback, industrial structure, outdoor storage areas, marshalling yards and loading docks shall not be permitted.

At this time, the application is required in order to permit the development of the site with private well and septic. As such, the following variance is required: Relief from Section 6.8 a) to allow development on the site to be serviced by private well and septic system.

The variance requested is minor and appropriate for the use of the lot. The proposed 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,



Asavari Jadhav
Junior Planner



Jessica Rahim
Senior Planner

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

May 3, 2022

Township of Wellington North
7490 Sideroad 7 West
Kenilworth, Ontario NOG 2E0

ATTENTION: Tammy Pringle, Development Clerk

Dear Ms. Pringle,

RE: Proposed Minor Variance A10/22 (Robertson)
391055 Grey Road 109
Part Lot 31 Division 1 Concession 1 EGR Egremont, Part 2 Plan 17R387
Roll No.: 234900000120000
Geographic Town of Mount Forest
Township of Wellington North

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). SVCA staff has also reviewed the application as part of our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The purpose and effect of the application is to provide relief from Zoning By-law 66-01 specifically section 6.8 (a) to facilitate the construction of a shop and office with private well and septic within the urban area of Mount Forest. Other variances may be considered where deemed appropriate.

Recommendation

SVCA staff find the application acceptable.

Background

As part of the pre-submission consultation process, the Township of Wellington North building department recommended that the owner obtain comments from the SVCA. On February 3, 2022, Clayton Robertson contacted SVCA staff (Michael Oberle), and on February 4, 2022, SVCA staff provided Clayton Robertson with preliminary pre-consultation process comments (via email) directly related to the current proposal. A copy of the SVCA comments were copied to the Township of Wellington North building department.

Township of Wellington North
Proposed Minor Variance A10/22 (Robertson)
May 3, 2022
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DELEGATED RESPONSIBILITY AND ADVISORY COMMENTS

SVCA staff has reviewed the development proposal through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the development proposal through our responsibilities as a service provider to the County of Wellington in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, and natural heritage as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

Areas of the property are designated Core Greenlands and Greenlands in the County of Wellington Official Plan (OP), Schedule A6-1 Wellington North-Mount Forest and are zoned Natural Environment (NE) in the Township of Wellington North Zoning By-law No. 66-01. In general, no new buildings or structures are permitted within the Core Greenlands and Greenlands designation or the NE zone. SVCA staff are of the opinion that the Core Greenlands designation and NE zone generally coincide with the natural hazard lands mapping as plotted by SVCA staff. The hazardous lands represent Fairbanks Creek and its floodplain and any wetlands. While the Greenlands designation is representing woodlands that are beyond/outside of the natural hazard areas. It is the understanding of SVCA staff that the proposal is for a shop would be close to the existing western property line in and/or near the current gravel pad area, therefore the location of proposed development will not be located within the Core Greenlands or Greenlands designation or in the NE zone.

Provincial Policy Statement – Section 3.1

Section 3.1.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of hazardous lands, and hazardous sites. It is the opinion of SVCA staff that the development proposal is consistent with Section 3.1.1 of the PPS, 2020.

Wellington County OP Policies

Section 5.4.3 of the Wellington County OP generally directs development to be located outside of Hazardous Lands. It is the opinion of SVCA staff that, the development proposal is consistent with Wellington County OP policies.

Natural Heritage:

As part of SVCA staff's desktop review, the following significant natural heritage features were identified as affecting the property: significant woodlands, and fish habitat.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in significant woodlands, fish habitat, and the adjacent lands to the above referenced features, except in accordance with Policies found in Section 2.1.

Township of Wellington North
Proposed Minor Variance A10/22 (Robertson)
May 3, 2022
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Wellington County OP Policies

Significant Woodlands

Significant woodlands are included in the Core Greenlands and Greenlands designation and are shown on Schedule A6-1 Wellington North-Mount Forest of the Wellington County OP in accordance with section 5.5.4 of the Wellington County OP. The woodlands on the property are considered significant woodlands. Based on the development proposal, development will not be located within the woodlands or their adjacent lands. It is the opinion of SVCA staff that development as proposed conforms to the applicable significant woodland policies found in the Wellington County OP.

Fish Habitat and its Adjacent Lands

Fairbanks Creek flows through the northeastern portion of the property. The watercourse is considered fish habitat by SVCA staff, and section 5.4.2 of the Wellington County OP is applicable. Based on the development proposal, development will not be located within the fish habitat or their adjacent lands. It is the opinion of SVCA staff that development as proposed conforms to the applicable fish habitat policies found in the Wellington County OP.

STATUTORY COMMENTS

SVCA staff has reviewed the development proposal as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the *Conservation Authorities Act*, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the CA Act, development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

Part of the property is located within the SVCA watershed is within the SVCA's Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Screening Area requires the permission from SVCA, prior to work commencing.

"Development" as defined under the *Conservation Authorities Act* means:

- 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.*

And; "Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

For the property, the SVCA Approximate Screening Area is representing the natural hazard features being the watercourse and floodplain as well as any wetlands/swamp, as well as an offset distance from these features, being the greater of 15 metres outwards from the floodplain edge and/or 30 metres outwards from any

Township of Wellington North
Proposed Minor Variance A10/22 (Robertson)
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wetland/swamp edge. To determine the SVCA Approximate Screening Area on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

SVCA Permission for Development or Alteration

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, within the SVCA Approximate Screening Area may require permission (SVCA Permit) prior to those works commencing.

Summary

SVCA staff has reviewed the application in accordance with our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The proposed minor variance is acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

Please inform this office of any decision made by the planning approval authority with regards to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

cc: Karen Wallace, Clerk, Township of Wellington North (via email)
Darren Jones, CBO, Township of Wellington North (via email)
Clayton and Alison Robertson, owners (via email: robertsonlandscaping@bell.net)
Steve McCabe, SVCA Member representing the Township of Wellington North (via email)