



7490 Sideroad 7 W, PO Box 125,
Kenilworth, ON N0G 2E0

www.wellington-north.com

519.848.3620

1.866.848.3620 FAX 519.848.3228

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Committee of Adjustment

Monday, January 8th, 2018

2:00 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

AGENDA ITEM	PAGE NO.
<u>CALLING TO ORDER</u>	
- Chairman Lennox	
<u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u>	
<u>MINUTES OF PREVIOUS MEETING(S)</u>	
Committee of Adjustment, December 4th, 2017 (A11-17)	1
<u>APPLICATION A12-17</u>	
<u>OWNERS/APPLICANT</u>	
- Reginald Small	
<u>LOCATION OF THE SUBJECT LAND</u>	6
The location of the subject property is described as Lot 3, Concession 12 (geographic Township of Arthur), with a civic address of 9535 Wellington Rd 6. The subject land is approximately 3.77 ha (9.33 acres). The location of the property is shown on the map attached.	

AGENDA ITEM	PAGE NO.
<p><u>PURPOSE AND EFFECT OF THE APPLICATION</u></p> <p>The purpose and effect of the application is to provide relief from the maximum floor area and height requirements for an accessory building on the subject property. The applicants are proposing to construct a new agricultural storage building that exceeds the permitted size (area) and height. Other variances may be considered where deemed appropriate.</p> <p><u>SECRETARY TREASURER</u></p> <p>Notices were mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on December 21st, 2017.</p> <p><u>PRESENTATIONS</u></p> <p>Curtis Marshall, MCIP, RPP, Senior Planner - See attached comments</p> <p><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></p> <p>Michael Oberle, Environmental Planning Technician, SVCA - Acceptable to SVCA staff.</p> <p>Pasquale Costanzo, CET, Engineering Technologist, County of Wellington - No objection.</p> <p><u>REQUEST FOR NOTICE OF DECISION</u></p> <p>Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></p> <p>Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p>Are there any persons present who wish to make oral and/or written submissions against this application?</p>	<p></p> <p></p> <p>7</p> <p>10</p> <p>13</p> <p></p> <p></p> <p></p> <p></p> <p></p>

AGENDA ITEM	PAGE NO.
<u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u> <u>ADJOURNMENT</u>	

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, DECEMBER 4, 2017 – 2:00 P.M.
A11/17**

The purpose and effect of the application is to provide relief from the maximum floor area and height requirements for a proposed accessory structure on the subject property. The applicants are proposing to remove an existing barn/shed and replace it with a new accessory storage building that exceeds the permitted size (area) and height. Other variances may be considered where deemed appropriate.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on November 23, 2017 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed his comments dated November 27, 2017.

Planning Comments: The variances requested provide relief from the maximum height and ground floor area requirements for accessory buildings to permit the construction of a 371.2 m² (3996.0 ft²) detached garage with a height of 5.48 m (18.0 ft). An existing shed/barn with a ground floor area of 166.5 m² (1792.0 ft²) and a height of 7.32 m (24.0 ft) is to be removed. The applicant has indicated that the use of the garage is for personal use (hobbies).

The new garage is proposed to be located in nearly the same location as the existing shed/barn which is to be removed, however the new garage is 204.76 m² (2204.0 ft²) larger in ground floor area. It is Planning Staff's opinion that the proposed garage is too large in size and height for the property. The proposed garage has over twice the ground floor area of the dwelling and is not "accessory", "incidental" or "subordinate" to the main dwelling as required under the definition of an accessory building in the Zoning By-law. The proposed garage is also 4 times larger (a 300% increase) than permitted by the By-law which is not a "minor" increase. Consideration could be given to reduce the proposed size and height of the garage in order for it to be more appropriately sized on the lot and for the neighbourhood.

The Committee should be satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is desirable and appropriate for the development of the subject property and is minor. In addition, the Committee should be satisfied that the proposed accessory building is intended for personal use and not for commercial purposes.

SUBJECT PROPERTY AND LOCATION

The location of the property is described as Part Lot 71, Concession 3 (Egremont), RP 61R-6963, 581 Wellington Street E., Mount Forest. The subject

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, DECEMBER 4, 2017 – 2:00 P.M.
A11/17**

land is approximately 0.45 ha (1.1 acres) and is occupied by a dwelling and a shed/barn. The location of the property is shown on Figure 1 below.

PROPOSAL

The variances requested provide relief from the maximum height and ground floor area requirements for accessory buildings to permit the construction of a 371.2 m² (3996.0 ft²) detached garage with a height of 5.48 m (18.0 ft). An existing shed/barn with a ground floor area of 166.5 m² (1792.0 ft²) and a height of 7.32 m (24.0 ft) is to be removed. The applicant has indicated that the use of the garage is for personal use (hobbies).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is located in the Mount Forest Urban Area and is designated FUTURE DEVELOPMENT. Existing uses are permitted in the FUTURE DEVELOPMENT area.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Future Development (FD). Permitted uses include one single detached dwelling and accessory buildings.

The following relief is requested:

	Zoning By-Law (66-01)		
	Required	Requested	Difference
Maximum Ground Floor Area of all Accessory Buildings (Section 6.1.4 b)	92.9 m ² (1000.0 ft ²) on a lot less than 0.8 ha/2.0 ac	371.2 m ² (3996.0 ft ²)	278.3 m ² (2996.0 ft ²)
Maximum Height for an Accessory Building (Section 6.1.3)	4.57 m (15.0 ft)	5.48 m (18.0 ft)	0.91 m (3.0 ft)

CORRESPONDENCE/COMMENTS RECEIVED

Candace Hamm, Environmental Planning Coordinator, SVCA
 - The proposed minor variance is acceptable to SVCA staff

REQUEST FOR NOTICE OF DECISION

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

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, DECEMBER 4, 2017 – 2:00 P.M.
A11/17**

CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

- Persons present who wish to make oral and/or written submissions in support of the proposed minor variance.

The applicants were present to answer any questions regarding their application. Mr. Bulley explained that they want to remove the existing barn and replace it with a larger storage building. The existing barn is not used as a barn and is not suitable to store larger items. Currently large items are stored at their business property at Riverstown. They are looking ahead to retirement when that storage won't be available to them. Mr. Bulley presented drawings for a building that would be 27% smaller than originally proposed.

- Persons present to make oral and/or written submissions against the proposed minor variance.

No persons were present to make oral and/or written submissions against the proposed minor variance.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Curtis Marshall, Senior Planner, and Darren Jones, Chief Building Official, reviewed the drawings and indicated the smaller sized structure would be suitable. The building would be 2,912 sq. ft.

Member Yake stated that the applicants have done a lot of work on their property. He is satisfied that the building will be for personal use only and is supportive of the smaller building size.

The Committee of Adjustment of the Corporation of the Township of Wellington North considered all written and oral submissions received on this application, the effect of which has assisted the Committee to make an informed decision on this planning matter.

RESOLUTION NUMBER CoA 2017-27

Moved by: Member Yake

Seconded by: Member Hern

THAT the minor variance applied for in Application A11/17, for the property described as Part. Lot 71, Concession 3, geographic Egremont Township (581 Wellington Street East), to provide the following relief:

1. *THAT a total ground floor area of 270.5m² (2,912 sq ft) be permitted, whereas section 6.1.4 b) of the By-law permits a total maximum ground floor area of 92.9 m² (1,000 ft²) for a lot this size; and*

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, DECEMBER 4, 2017 – 2:00 P.M.
A11/17**

2. *THAT a maximum Accessory Building Height of 5.48 m (18 ft.) be permitted, whereas section 6.1.3 of the By-law requires 4.5 m (14.8 ft.) be authorized with the following conditions:*
- *That the proposed accessory building is intended for personal use and not for commercial purpose.*

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2017-28

Moved by: Member McCabe

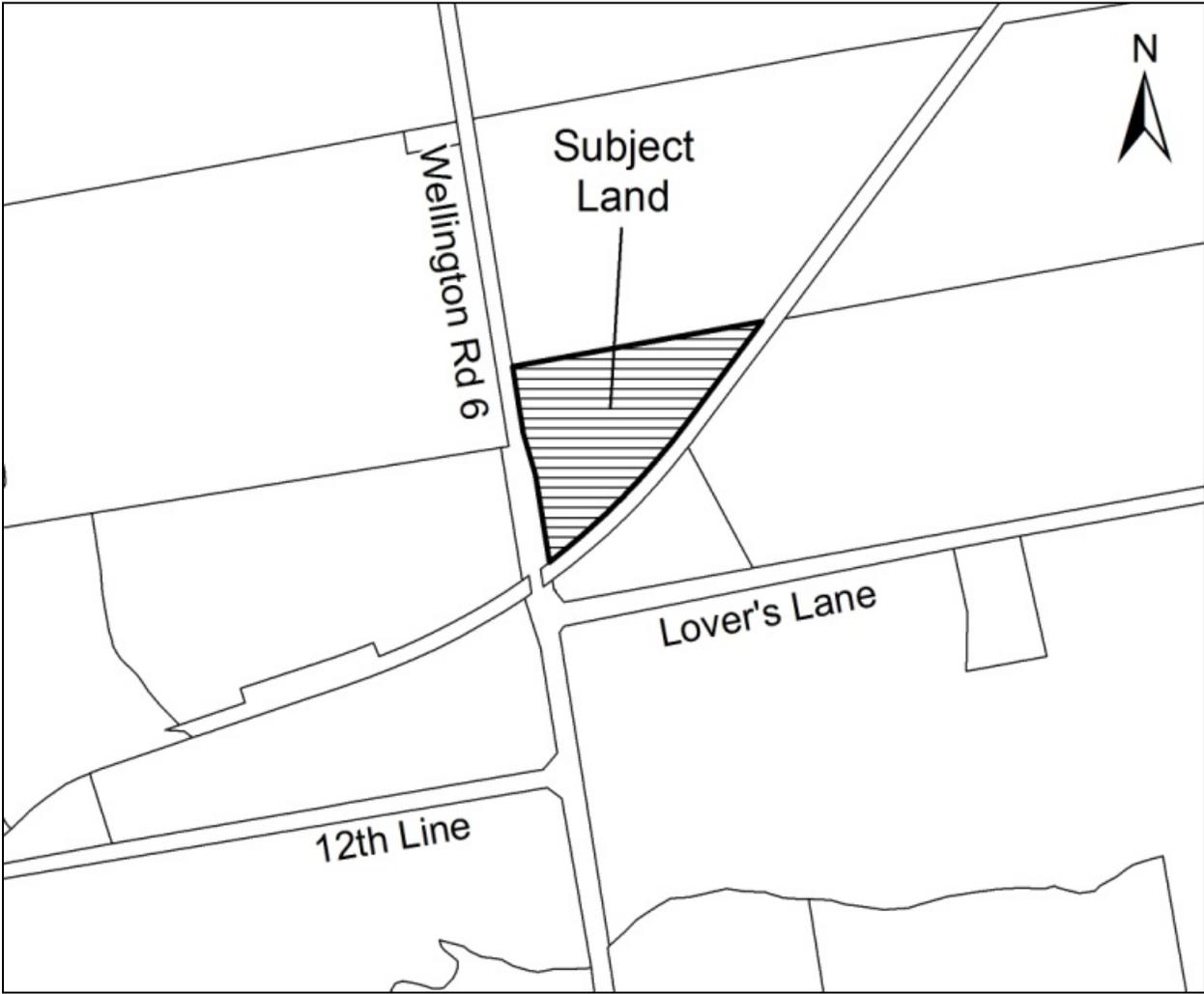
Seconded by: Member Hern

THAT the Committee of Adjustment meeting of December 4, 2017 be adjourned at 2:52 p.m.

CARRIED

Secretary Treasurer

Chair



A12-17 – Reginald Small



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

January 2, 2018

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 A12/17**
Lot 3, Concession 12 (Arthur)
9535 Wellington Road 6
Reginald Small

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

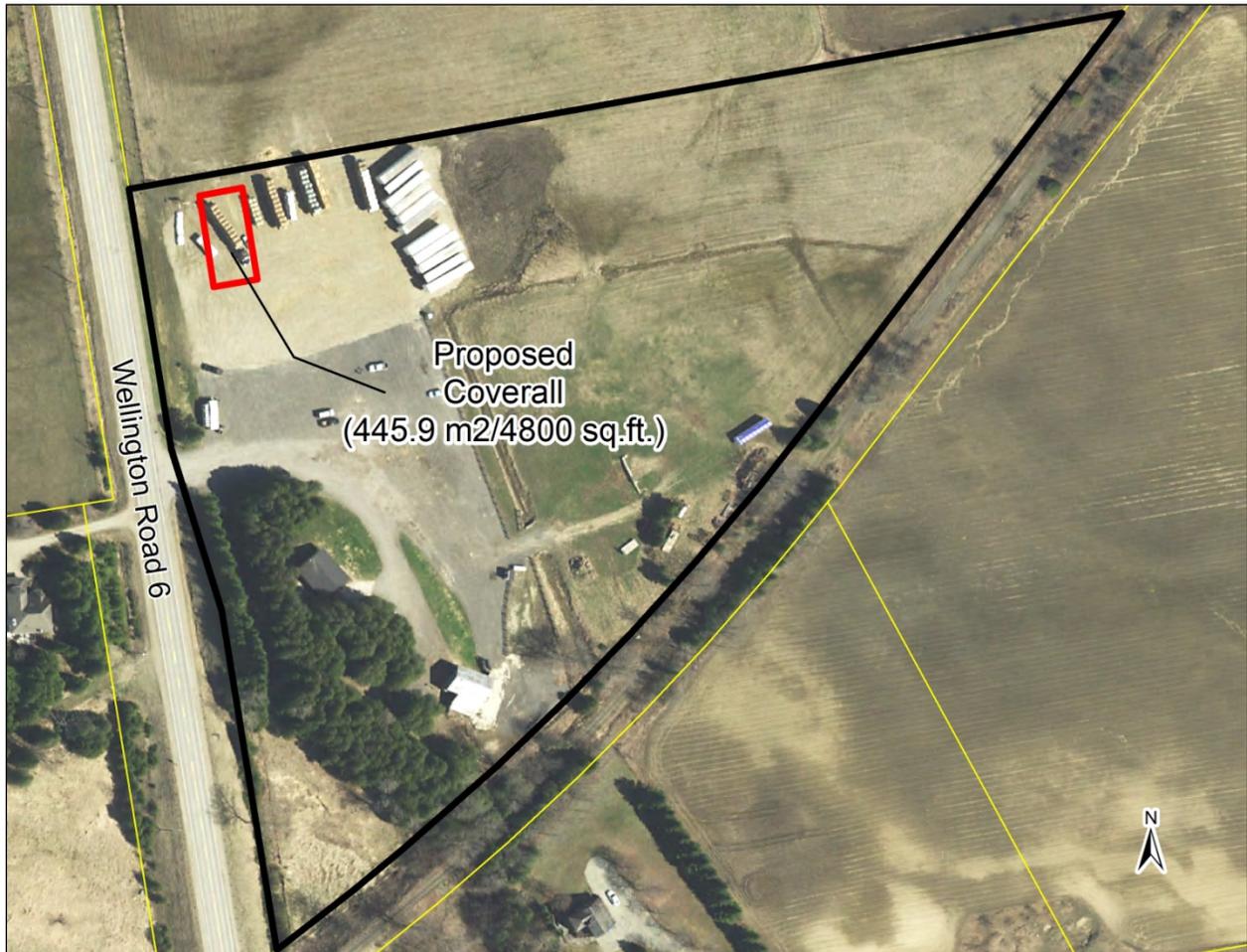
Planning Comments: The variances requested provide relief from the maximum floor area and height requirements for an accessory building on the subject property. The applicants are proposing to construct a new 445.9 m² (4800 ft²) agricultural storage building that exceeds the permitted size (area) and height. The new building (coverall) will be used to store farm equipment and loads of hay and straw. The applicant owns additional agricultural properties, however wishes to construct the building on the subject property where they reside.

We have no concerns with the relief requested for the new structure which is to be used for storing hay/straw and farm equipment as part of a larger farm operation. The reduced side yard setback of the building should not impact adjacent property owners as the proposed 6.0 m provides sufficient room for drainage, and there are no neighbouring residential dwellings in close proximity. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is minor, desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The location of the property is described as Lot 3, Concession 12 (Arthur), with a municipal address of 9535 Wellington Road 6. The subject land is approximately 3.8 ha (9.33 acres) and is occupied by a dwelling and a hobby barn (153.0 m²/1646.8 ft²). The location of the property is shown on Figure 1 below.

Figure 1: Air Photo Showing Proposed Building



PROPOSAL

The variances requested provide relief from the maximum floor area and height requirements for an accessory building on the subject property. The applicants are proposing to construct a new 445.9 m² (4800 ft²) agricultural storage building that exceeds the permitted size (area) and height.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. The CORE GREENLAND area is further identified as being hazard lands. Permitted uses include agricultural uses, single detached dwellings, and accessory buildings. The proposed storage building is located outside of the hazard lands identified on the property.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Agricultural (A) and Natural Environment (NE). Section 6.1 (Accessory Uses) applies to new accessory buildings on lots which are less than 10.1 ha (25.0 acres) in size. The maximum lot coverage permitted is dependent on the size of the property.

According to the By-law, the existing hobby barn is not included in the ground floor area calculation.

The following relief is requested:

	Zoning By-Law (66-01)		
	Required	Requested	Difference
Maximum Ground Floor Area of all Accessory Buildings (Section 6.1.4 b)	167.2 m ² (1800.0 ft ²) (based on a lot size of 3.8 ha/9.33 acres)	445.9 m ² (4800.0 ft ²)	278.7 m ² (3000.0 ft ²)
Maximum Height for an Accessory Building (Section 6.1.3)	4.5 m (14.8 ft)	5.0 m (16.45 ft)	0.5 m (1.65 ft)

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

Yours truly,



Curtis Marshall, MCIP, RPP



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 (township@wellington-north.com)

December 22, 2017

Township of Wellington North
Committee of Adjustment
7490 Sideroad 7, W
Kenilworth, Ontario
N0G 2E0

ATTENTION: Darren Jones, Chief Building Official

Dear Mr. Jones,

RE: Proposed Minor Variance A12/17
9535 Wellington Road 6
Roll No.: 234900000910150
Part Lot 3 Concession 12
Geographic Township of Arthur
Township of Wellington North

(Reginald Barrie Small)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this proposal in accordance with the SVCA's mandate, and the Saugeen Valley Conservation Authority Environmental Planning and Regulations Policies Manual, Approved May 16, 2017. The purpose and effect of the application is to provide relief from the maximum floor area and height requirements for an accessory building on the subject property. The applicant is proposing to construct a new agricultural storage building that exceeds the permitted size (area) and height. Other variances may be considered where deemed necessary. The proposed minor variance is acceptable to SVCA staff, and the following comments are offered.

Natural Hazard

In the opinion of SVCA staff, a portion of the property is designated Core Greenlands in the Wellington County Official Plan (OP) Schedule A6 Wellington North, this area is also zoned Natural Environment Zone (NE) in the Township of Wellington North Zoning By-law 66-01, Schedule 'A' Map 1. In general no new buildings or structures are permitted in the Core Greenlands designation or in the NE zone. In the opinion of SVCA staff, the proposed accessory building is not located within the NE zone.

Natural Heritage

In the opinion of SVCA staff, the natural heritage features and areas affecting the property include, significant woodlands, potentially significant wildlife habitat, and potentially the significant habitat of endangered species or threatened species.



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

Significant Woodlands

SVCA staff are of the opinion that woodlands on lands adjacent to the property are considered significant woodlands. The woodlands have been included in the Core Greenlands and Greenlands designation of the Wellington County OP. In the opinion of SVCA staff, the proposed accessory building is not within the adjacent lands to the woodlands, therefore the completion of an Environmental Impact Study (EIS) to address significant woodlands on the property is not warranted for this proposal.

Significant Wildlife Habitat

It has come to the attention of SVCA staff that significant wildlife habitat may be located on or adjacent to the property. Section 5.5.1 of the Wellington County OP states in part that development and site alteration shall not be permitted within significant wildlife habitat, unless it has been demonstrated that there will be no negative impacts to the habitat or its ecological functions. However, in the opinion of SVCA staff, potential impacts to significant wildlife habitat as a result of the proposed accessory building are likely to be negligible. Therefore in the opinion of SVCA staff the preparation of an EIS regarding significant wildlife habitat is not warranted for this proposal.

Significant Habitat of Endangered Species or Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species or threatened species may be located on or adjacent to the property. Section 2.1.7 of the Provincial Policy Statement (PPS 2014) indicates that development and site alteration shall not be permitted in habitat of endangered species or threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy.

SVCA Regulation

A large portion of the property is located within the Approximate Screening Area associated with 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. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a wetland or watercourse.

"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 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.*

Township of Wellington North
Proposed Minor Variance A12/17 (Reginald Barrie Small)
December 22, 2017
Page 3 of 3

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interfering in any way the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine the Approximate Screening Area, associated with our Regulation 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.

Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage, is proposed within the Approximate Screening Area associated with our Regulation on the property, the SVCA should be contacted, as permission may be required.

However, according to the sketch submitted as part of the proposed minor variance application, the proposed accessory building is not within the Approximate Screening Area. A Permit from the SVCA is not required for the proposed accessory building.

Conclusion

The proposed minor variance is acceptable to SVCA staff. The SVCA would appreciate receiving a copy of the decision for the proposed minor variance, once available.

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

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO\

cc: Karren Wallace, Clerk – Township of Wellington North (via email)
Reginald Barrie Small, owner (9535 Wellington Road 6, Mount Forest NOG 2L0)
Steve McCabe, Authority Member, SVCA (via email)

TOWNSHIP OF WELLINGTON NORTH COMMITTEE OF ADJUSTMENT

NOTICE OF PUBLIC HEARING
OF APPLICATION FOR MINOR VARIANCE

Planning Act, R.S.O. 1990, Chap.P.13, ss.45 (5)

WELLINGTON NORTH

DEC 29 2017

ENGINEERING SERVICES
DEPARTMENT

A12/17

TAKE NOTICE that an application for minor variance, under the above file number has been submitted to the Committee of Adjustment for the Township of Wellington North. The Committee will give consideration to the minor variance application on:

RECEIVED

January 8, 2018
Township of Wellington North Municipal Offices
Council Chambers
7490 Sideroad 7 West, Kenilworth.
2:00 p.m.

JAN 02 2018

TWP. OF WELLINGTON NORTH

THE LOCATION OF THE SUBJECT PROPERTY is described as Lot 3, Concession 12 (geographic Township of Arthur), with a civic address of 9535 Wellington Rd 6. The subject land is approximately 3.77 ha (9.33 acres). The location of the property is shown on the map below.

THE PURPOSE AND EFFECT of the application is to provide relief from the maximum floor area and height requirements for an accessory building on the subject property. The applicants are proposing to construct a new agricultural storage building that exceeds the permitted size (area) and height. Other variances may be considered where deemed appropriate.

MAKING AN ORAL OR WRITTEN SUBMISSION

Any person or public body is entitled to attend the public meeting and make written or oral submissions on the proposed variance.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Wellington North before the variance is passed, the person or public body is not entitled to appeal the decision of the Committee of Adjustment of the Township of Wellington North to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of Wellington North before the variance is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

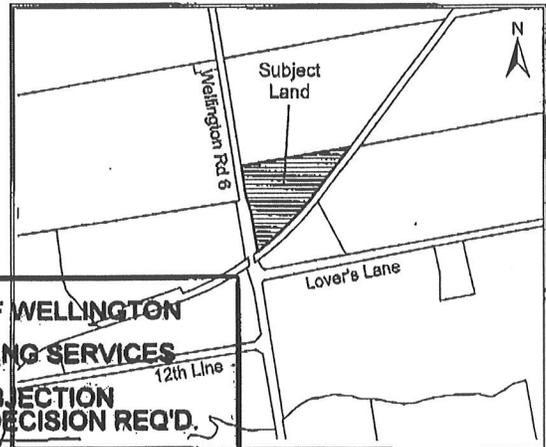
NOTICE OF DECISION

If you wish to be notified of the decision of the Committee of Adjustment for the Township of Wellington North in respect of this application, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment for the Township of Wellington North at the address provided below.

ADDITIONAL INFORMATION regarding this application will be available for inspection at the Township of Wellington North Municipal Office during regular business hours.

Dated at the Township of Wellington North
This 21st day of December, 2017

Darren Jones, Building/Zoning Dept.
Township Wellington North
7490 Sideroad 7, W
Kenilworth, ON N0G 2E0
Phone: (519) 848-3620
Fax: (519) 848-1119



COUNTY OF WELLINGTON
ENGINEERING SERVICES
NO OBJECTION
NOTICE OF DECISION REQ'D.
PASQUALE COSTANZO, CET
ENGINEERING TECHNOLOGIST
JAN 02 2018
Date: