



Township of Wellington North

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

Public Meeting

Monday, January 13, 2014 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

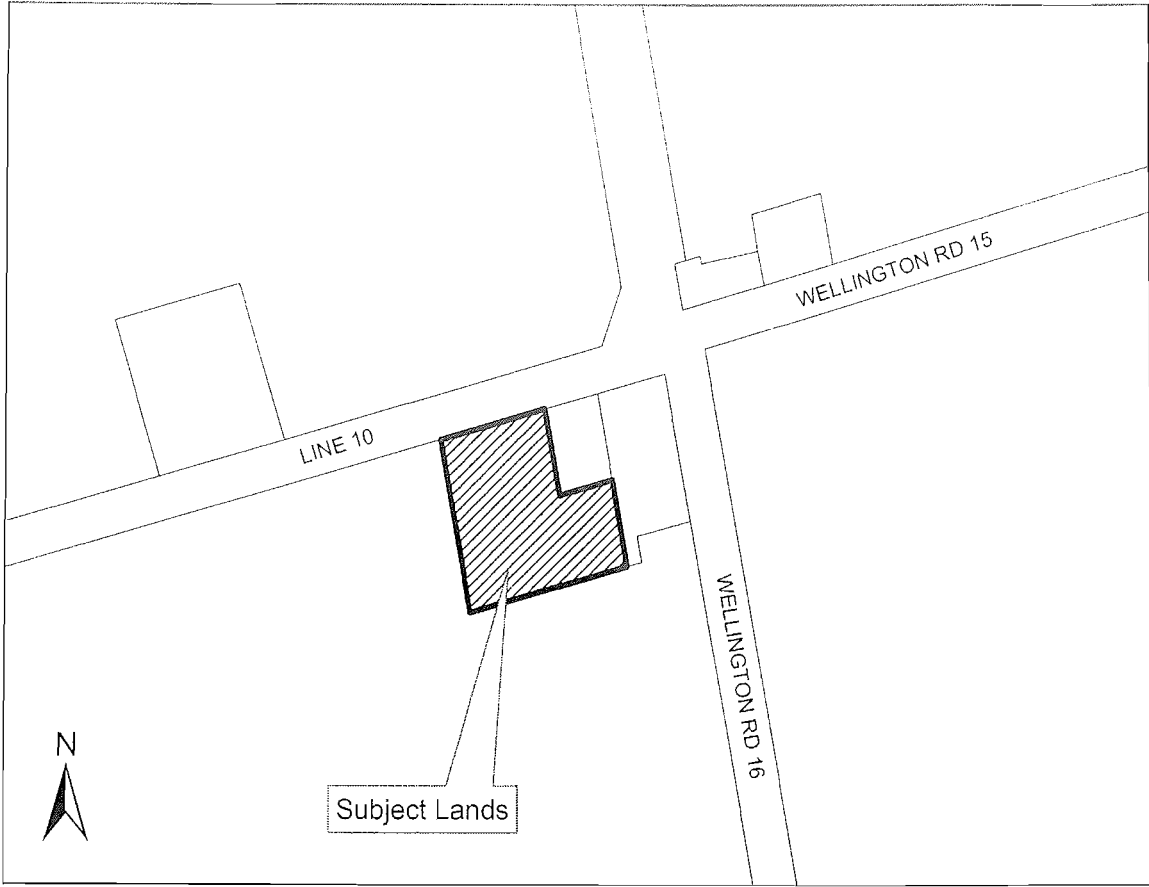
Page 1 of 4

AGENDA ITEM	PAGE NO.
<p>The Mayor will call the meeting to order.</p> <p>Declaration of Pecuniary Interest.</p> <p>Owners/Applicant: Roger and Antonia Villeneuve</p> <p>Location of the Subject Land The property subject to the proposed amendment is described as Lot 9, Concession 10, Geographic Township of West Luther, with a civic address of 8397 Line 10. The property is 0.5 hectares (1.25 acres) in size and the location is shown on the map attached.</p> <p>The Purpose and Effect of the Application The purpose and effect of the proposed amendment is to amend the zoning of the property to permit an auto body repair and paint shop use on the subject lands. The property is currently designated Prime Agricultural in the Official Plan. The zoning amendment may also address site specific regulations for the proposed use such as appropriate yard setbacks.</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p> <p>1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on December 12, 2013.</p>	1

AGENDA ITEM	PAGE NO.
2. Application for Zoning By-law Amendment	2
3. Presentations by: <ul style="list-style-type: none">- Mark Van Patter, Senior Planner- See attached comments	11
4. Review of Correspondence received by the Township: <ul style="list-style-type: none">- Pasquale Costanzo, County of Wellington Engineering Services- No objection- Bill Balch, 9276 Wellington Road 16, Conn- Whole heartedly support the application- Elizabeth Ellen Wootton, 8399 Line 10, Conn- Objection	15 16 17
5. Mayor opens floor for any questions/comments.	
6. Comments/questions from Council.	

AGENDA ITEM	PAGE NO.
<p>Owners/Applicant: Thomas and Wanda Smith</p>	
<p>Location of the Subject Land</p>	
<p>The property subject to the proposed amendment is described as Part Lot 10, Concession 5, Geographic Township of West Luther, with a civic address of 8803 Wellington Road 16. The property is 41.9 hectares (103.5 acres) in size and the location is shown on the map attached.</p>	22
<p>The Purpose and Effect of the Application</p>	
<p>The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, “retained” portion of the property. Additionally, relief from the zoning by-law’s regulations pertaining to maximum floor area for accessory buildings on the severed portion is required. This rezoning is a condition of severance application B125/13 under the surplus farm dwelling policies that were granted provisional approval by the Wellington County Land Division Committee December 5th, 2013.</p>	
<p>Please note – Section 34 (12) of the Planning Act.</p>	
<p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p>	
<p>1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on December 12, 2013.</p>	
<p>2. Application for Zoning By-law Amendment</p>	23
<p>3. Presentations by:</p>	
<p>- Mark Van Patter, Senior Planner - See attached comments and draft by-law</p>	34
<p>4. Review of Correspondence received by the Township:</p>	
<p>- Nathan Garland, Resource Planner, GRCA - No objection</p>	40
<p>- Pasquale Costanzo, County of Wellington Engineering Services - No objection</p>	43

AGENDA ITEM	PAGE NO.
5. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request. 6. Mayor opens floor for any questions/comments. 7. Comments/questions from Council 8. Adjournment	



CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

Application for Zoning By-law Amendment

Application No. _____

A. THE AMENDMENT

1. TYPE OF AMENDMENT? Site Specific [] Other _____

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?

TO RE-FURB ANTIQUE, CLASSIC
AND MODIFIED STREET RODS

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): Roger Villeneuve

Address: RR1 - Coan 8397 Line 10, NOG 100

Phone: Home () 519 848-6155 Work () _____ Fax () _____

b) Applicant (Agent) Name(s): _____

Address: _____

Phone: Home () _____ Work () _____ Fax () _____

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:

d) Send Correspondence To? Owner Agent [] Other [] _____

e) When did the current owner acquire the subject land? 2002

4. WHAT AREA DOES THE AMENDMENT COVER? [] the "entire" property a "portion" of the property (This information should be illustrated on the required drawing under item G of this application.)

11. HOW LONG HAS THE "EXISTING" USE(S) CONTINUED ON THE SUBJECT LAND?

2010

12. WHAT IS THE "PROPOSED" USE OF THE SUBJECT LAND?

Residential - & specialty Bldg S&OR

13. PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS OR STRUCTURES ON THE SUBJECT LAND:

(Please use a separate page if necessary.)

	<u>Existing</u>		<u>Proposed</u>	
a) Type of Building (s) -or Structure (s)				
b) Date of Construction				
c) Building Height	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
d) Number of Floors				
e) Total Floor Area (sq.m.)	_____ (sq m)	<u>1200</u> (sq ft)	_____ (sq m)	<u>1200</u> (sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
g) Distance from building/structure to the:	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
Front lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Rear lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
h) % Lot Coverage				
i) # of Parking Spaces				
j) # of Loading Spaces				

D. EXISTING AND PROPOSED SERVICES

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

Provincial Highway Continually maintained municipal road Right-of-way
County Road Seasonally maintained municipal road Water access

15. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?

10th Ave

16. IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD. (This information should be illustrated on the required drawing under item G of this application.)

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Sewers	Communal Sewers	Private Wells	Other Water Supply	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing	()	()	<input checked="" type="checkbox"/>	()	()	<input checked="" type="checkbox"/>	()
b) Proposed	()	()	<input checked="" type="checkbox"/>	()	()	<input checked="" type="checkbox"/>	()

18. HOW IS THE STORM DRAINAGE PROVIDED?

Storm Sewers () Ditches Swales () Other means (explain below)

E. OTHER RELATED PLANNING APPLICATIONS

19. HAS THE CURRENT OWNER (OR ANY PREVIOUS OWNER) MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

Official Plan Amendment	Yes ()	No (<input checked="" type="checkbox"/>)
Zoning By-law Amendment	Yes ()	No (<input checked="" type="checkbox"/>)
Minor Variance	Yes ()	No (<input checked="" type="checkbox"/>)
Plan of Subdivision	Yes ()	No (<input checked="" type="checkbox"/>)
Consent (Severance)	Yes ()	No (<input checked="" type="checkbox"/>)
Site Plan Control	Yes ()	No (<input checked="" type="checkbox"/>)

20. IF THE ANSWER TO QUESTION 19 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. and Date of Application: _____

Approval Authority: _____

Lands Subject to Application: _____

Purpose of Application: _____

Status of Application: _____

Effect on the Current Application for Amendment: _____

F. OTHER SUPPORTING INFORMATION

21. PLEASE LIST THE TITLES OF ANY SUPPORTING DOCUMENTS: (E.G. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report, etc.)

G. APPLICATION DRAWING

22. PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY BE APPROPRIATE TO SUBMIT ADDITIONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING:

- Owners' / applicant's name;
- Legal description of property;
- Boundaries and dimensions of the subject property and its current land use;
- Dimensions of area of amendment (if not, the entire property);
- The size and use of all abutting land;
- All existing and proposed parking and loading areas, driveways and lanes;

- The nature of any easements or restrictive covenants on the property;
- The location of any municipal drains or award drains;
- Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- If access to the subject land is by water only, provide the location of the parking and docking facilities to be used; and
- Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits).

THE DRAWING SHOULD ALSO INCLUDE THE SCALE, NORTH ARROW AND DATE WHEN THE DRAWING WAS PREPARED.

H. AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:

(If affidavit (I) is signed by an Agent / Solicitor on Owner's behalf, the Owner's written authorization below **must** be completed)

I (we) _____ of the _____ of _____ in the
 County / Region of _____ do hereby authorize _____ to
 Act as my agent in this application.

Signature of Owner(s)

Date



1. AFFIDAVIT: (This affidavit be signed in the presence of a Commissioner)

I (we) Roger Gilman of the TOWNSHIP of the Wellington North County / ~~Region~~ of Wellington solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT.**

DECLARED before me at the Township Wellington North of Wellington in the County / ~~Region~~ of Wellington this 12th day of November

[Signature]
Signature of Owner or Authorized Solicitor or Authorized Agent

Nov. 12 / 13
Date

[Signature]
Signature of Commissioner

Nov 12 / 13
Date

CATHERINE E. MORE, a Commissioner,
etc., County of Wellington, Deputy Clerk
of the Corporation of the Township of
Wellington North.

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY

[Signature]
Signature of Municipal Employee

Nov 12 / 13
Date

I. AFFIDAVIT: (This affidavit be signed in the presence of a Commissioner)

I (we) Annie Villeneuve of the Township of the Wellington North County / Region of Wellington solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the Township of Wellington North in the County / Region of Wellington this 13th day of Nov 13/13

A. Villeneuve
Signature of Owner or Authorized Solicitor or Authorized Agent

Nov 13/13
Date

[Signature]
Signature of Commissioner

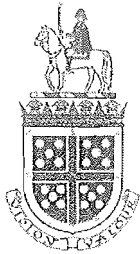
Nov. 13/13
Date

APPLICATION AND FEE OF \$ _____ RECEIVED BY MUNICIPALITY

Signature of Municipal Employee

Date

**MICHAEL J. GIVENS
TREASURER
OF THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH
COMMISSIONER FOR TAKING AFFIDAVITS**



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

January 9, 2014

Darren Jones, Building Official
Township of Wellington North
7490 Sideroad 7 W
Kennilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Roger Villeneuve – Auto Repair, Body and Paint Shop
8397 Line 10 - Monk
Zoning By-law Amendment**

PLANNING OPINION

Contrary to the zoning by-law, Mr. Villeneuve has been operating an autobody and auto repair shop, fixing up older muscle cars and antique cars. He has applied for this rezoning to permit the same use. My main concern is compatibility with neighbouring dwellings. One neighbour has objected and another neighbour has written a letter of support. The use is similar to a home industry in scale; however, the setbacks to neighbouring dwellings are considerably less than that required by the Home Industry regulations. Mr. Villeneuve should provide additional details on the size and intensity of the operation. Ms. Wooten should provide details on negative impacts she has experienced. I will prepare an amending by-law if Council wishes me to do so.

SUBJECT LAND

The property subject to the proposed amendment is described as Lot 9, Concession 10, Geographic Township of West Luther, with a civic address of 8397 Line 10. The property is 0.5 hectares (1.25 acres) in size and is located in Monk. A residential dwelling and garage are present.

THE PURPOSE AND EFFECT OF THE APPLICATION

The purpose and effect of the proposed amendment is to amend the zoning of the property to permit an auto repair, auto body and paint shop use on the subject lands.

BACKGROUND

The application indicates that Mr. Villeneuve has owned the property since 2002 and the current use, "*to refurbish antique, classic and modified street rods*" was started in 2010. The application indicates that the building size is 1,200 square feet; however, it does not specify whether this is the dwelling or the shop. From the air photo, the garage building appears to be approximately 1,300 sq. ft. in size.

I spoke with Mr. Villeneuve by phone and he indicated that there are three bays in the garage. He noted that he does not have any employees and that he just focuses on old muscle cars and antique cars and that It's a relatively small operation.

Township Chief Building Official, Darren Jones, in his letter of October 24, 2013 to Mr. Villeneuve, stated that the autobody shop was not permitted and must cease operation.

PROVINCIAL POLICY STATEMENT

The subject property is considered to be within a PRIME AGRICULTURAL area. Within prime agricultural areas, permitted uses include agricultural uses, secondary uses and agriculture-related uses.

Secondary uses "means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property."

WELLINGTON COUNTY OFFICIAL PLAN

Under the General County Policies in the Wellington County Official Plan – Section 4.2, Economic Development - home businesses are encouraged.

"In the Urban System, home businesses will be small in size and normally restricted to the occupants of the property. These uses will be oriented towards providing services rather than retail functions. Compatibility with surrounding residential development is a primary consideration."

"In the Rural System, home businesses similar to those allowed in the Urban System are encouraged". One of the uses that may be considered are "home industries which are small in scale with limited employees, and minimal off site impact".

The settlement of Monk is not recognized as a Hamlet in the Wellington County Official Plan, and therefore, is part of the Rural System, not the Urban System. The subject lands are designated PRIME AGRICULTURAL. Section 6.4.4 of the Official Plan states:

"Home businesses are home occupations and home industries that are secondary to the principal use of the property, and may be allowed subject to zoning provisions as a means of supplementing farm incomes and providing services in agricultural areas and may include:"

"Home industries which are small in scale with a limited number of employees, and minimal off-site impacts – examples include minor equipment repair, woodworking, crafts, and welding."

ZONING BY-LAW

I scaled the zoning map as it applies to the subject property. It looks to me that the garage is within the Agricultural Commercial (AC) zone and the dwelling is in the Agricultural (A) zone.

I suspect that the AC zone was meant to recognize the store use on the lot at the corner and not the subject lands. However, when the new zoning by-law was approved in 2001, this zone was somewhat oversized. The former zoning by-law of the Township of West Luther confirms this; the small corner lot was in the Rural Commercial zone.

PLANNING CONSIDERATIONS

Automotive Body Repair Shop or Home Industry?

In the Wellington North Zoning By-law an “automotive body repair shop” is permitted in the Industrial zone and in the Rural Industrial zone. Neither the Agricultural Commercial zone nor the Agricultural zone permit the autobody use. The use is not permitted in a Prime Agricultural area in either the Provincial Policy Statement or the County Official Plan. Thus, it would be contrary to policy to rezone the property for a “full scale” body shop.

However, as noted above, a secondary “home industry” use can be considered in a Prime Agricultural area, provided it is small scale, does not hinder agriculture and is compatible with the surrounding land uses.

Section 6.14 of the Wellington North Zoning By-law has regulations for Home Industries. The scale of home industries is controlled by the size of the shop and the number of employees. Section 6.14(d) limits the ground floor area of the shop to 2,000 square feet or less. Section 6.14(e) limits the number of employees to 2 persons or less, that do not reside on site. The autobody shop is approximately 1,200 to 1,300 sq. ft. in size and only employs the owner.

It is my understanding that the owner specializes in older classic cars and only works on 3 or 4 cars per year. The owner should provide Council more information on the operation and possible noise and odor impacts.

Home Industry Prohibition of Autobody Repairs

Section 6.14 (b) of the zoning by-law’s Home Industry regulations, explicitly prohibits “*autobody repairs, or automobile sales, service and repair...*”. This restriction is in the by-law to prevent the outside storage of unlicensed automobiles and parts, and the creation of a nuisance (noise, odors) for neighbours. If Council was satisfied that these matters were not issues in the current case, or that they could be sufficiently mitigated through zoning controls, an small scale autobody shop could be permitted through this rezoning.

Conflicting Letters From Neighbours

Two neighbours with opposing views have provided letters on the proposed rezoning:

- Mr. Bill Balch who lives at the Monk corner, 9276 Wellington Rd 16, has provided a letter in support of the rezoning. He indicates no noise, fumes or junk present. His dwelling is located about 150 feet from the shop (air photo measurement), His November 11 letter was provided as part of the application.

- Ms. Elizabeth Ellen Wooten has provided a letter of objection to the rezoning dated January 1. Her letter is quite detailed and raises the following issues:
 - Compatibility with neighbouring uses
 - Compliance with Ministry of Labour regulations
 - Compliance with Ministry of Environment regulations
 - Conformity with Wellington County Official Plan and Wellington North Zoning By-law.

Her letter indicates that it was copied to both the Ministry of Labour and the Ministry of Environment.

One important thing that is not noted in her letter is whether she is experiencing negative nuisance impacts from the operation. She should provide Council with information in this regard.

She correctly points out that Wellington North Council could require the applicant to provide a Planning Impact Study prepared by a qualified professional to evaluate the seriousness of impacts (Section 4.6.2 – Official Plan).

Compatibility of Home Industry Use

In my opinion, Ms. Wooten is correct in stating that compatibility is a primary consideration for this application. Section 6.14 (g) of the Home Industry regulations of the Zoning By-law attempts to ensure compatibility:

“No building or structure used for a home industry shall be located within 22.8 m (74.8 ft.) of a lot line, nor within 121.9 m (400.0 ft.) of a lot line of a vacant lot (less than 4.1 ha (10 ac) in size) or within 121.9 m (400.0 ft.) of a residence on a separate lot ;”

My estimates from the air photo put the garage about 10 feet from the side lot line, 100 feet from Wooten dwelling and 150 feet from the Balch dwelling. There is considerable variance between the actual setbacks and what is required in the by-law.

Ministry of Environment / Labour Requirements

I would suggest that Council provide adequate time to allow the two Ministries to provide a response to Ms. Wooten's letter.

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

Sincerely,



Mark Van Patter, MCIP, RPP
Manager of Planning and Environment

RECEIVED

DEC 31 2013

TWP. OF WELLINGTON NORTH

TOWNSHIP OF WELLINGTON NORTH

**A NOTICE OF
A PUBLIC MEETING TO CONSIDER AMENDMENTS TO THE
COMPREHENSIVE ZONING BY-LAW 66-01**

*Copy
C. of W.
Planning
Dept*

TAKE NOTICE that the Council of the Corporation of the Township of Wellington North has received a complete application to consider a proposed amendment to the Comprehensive Zoning By-law 66-01, pursuant to Section 34 of the *Planning Act, R.S.O. 1990*, as amended.

A Public Meeting will be held by the Wellington North Council to consider this on:

Monday, January 13, 2014
Township of Wellington North Municipal Offices
Council Chambers
7490 Sideroad 7 West, Kenilworth
7:00 p.m

COUNTY OF WELLINGTON
DEC 17 2013
ENGINEERING SERVICES
DEPARTMENT

Location of the Subject Land

The property subject to the proposed amendment is described as Lot 9, Concession 10, Geographic Township of West Luther, with a civic address of 8397 Line 10. The property is 0.5 hectares (1.25 acres) in size and the location is shown on the map below.

The Purpose and Effect of the Application

The purpose and effect of the proposed amendment is to amend the zoning of the property to permit an auto body repair and paint shop use on the subject lands. The property is currently designated Prime Agricultural in the Official Plan. The zoning amendment may also address site specific regulations for the proposed use such as appropriate yard setbacks.

Oral or Written Submissions

Any person or public body is entitled to attend the public meeting and make written or oral submissions in support of or in opposition to the proposed zoning by-law amendment. Written comments should be submitted to the Township Clerk at the address shown below.

Power of OMB to Dismiss Appeals

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 by-law is passed, the person or public body is not entitled to appeal the decision of the Council 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 by-law 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.

Request for Notice of Decision

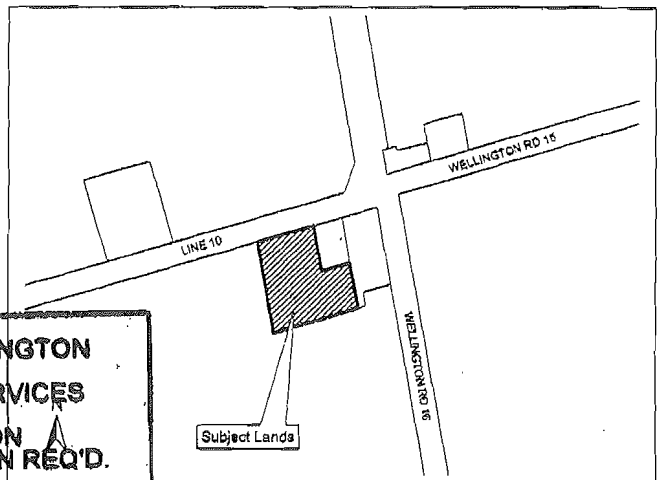
If you wish to be notified of the decision in respect of the proposed Township of Wellington North Zoning By-law Amendments, you must make a written request to the Clerk.

Additional Information

Additional information regarding this application is available for inspection at the Township of Municipal Office at the address shown below.

Dated at the Township of Wellington North
This 12th day of December, 2013

Darren Jones, CBO
Township Wellington North
7490 Sideroad 7, W
Kenilworth, ON N0G 2E0
Phone: (519) 848-3820
Fax: (519) 848-1119



COUNTY OF WELLINGTON
ENGINEERING SERVICES
NO OBJECTION
NOTICE OF DECISION REQ'D.
RA
PASQUALE COSTANZO, CET
ENGINEERING TECHNOLOGIST
Date *Dec 27/13*

Nov 11 / 13

TO WHOM IT MAY CONCERN

My name is Bill Balch and I live with my wife Grace at 9276 Wellington Rd 16, RR #1 Conn. We operate The Monck Repair Shop and are located on the S.W. Corner of the former West Luther Township Cor 10 & Well. Rd 16. Our neighbours Roger & Annie Villeneuve are applying for a commercial zoning designation. I wholeheartedly support this application. They have been at this location I believe about 13 yrs and have operated as a rebuilder & repairer of classic & antique cars. I have never had any concerns with this operation. There has never been any concerns with paint smell or noise. They keep the place neat, the grass & surrounding vegetation is groomed on a regular basis and there is no junk laying around. Also the house & outbuildings are kept in a good state of repair. This is just the type of enterprise & entrepreneur that we need in rural Ont. I hope you will approve it.

Yours Very Truly

Bill Balch

RR #1 Conn NOG/NO

519-848-5711

RECEIVED

JAN 8 2014

TWP. OF WELLINGTON NORTH

Elizabeth Ellen Wootton
8399 Line 10
Conn, Ontario, NOG 1N0
519-848-5835

Attn: Township Clerk
Township of Wellington North
1490 Sideroad 7 West, Box 125
Kenilworth, Ontario, NOG 2E0

January 1, 2014

Re: Proposed Autobody Repair and Paint Shop at 8397 Line 10, Lot 9, Con 10

Dear Council – Township of Wellington North,

I live at 8399 Line 10 (Monck) and am writing to express my objection to the proposed zoning amendment to allow an autobody repair and paint shop at 8397 Line 10, Lot 9, Con 10. I wish to assert that this autobody repair shop has been in operation for years and as such is already in violation of the Township's by-laws, Ministry of Environment regulations, Ministry of Labour regulations, and the Wellington County Official Plan.

According to Comprehensive Zoning By-Law 66-01, an AUTOMOTIVE BODY REPAIR SHOP, means a building or other structure where repairs to and/or bodywork, painting of or reconditioning of motor vehicles is carried on.

According to section 6.14 HOME INDUSTRY REGULATIONS of the Comprehensive Zoning By-Law 66-01, a home based industry "shall not include autobody repairs". Additionally, no building or structure used for a home industry shall be located within 22.8 m (74.8 ft) of a lot line, nor....within 121.9 m (400.0 ft) of a residence on a separate lot. The lot size for parcel 8397 is therefore **not large enough** to accommodate a home based industry let alone an automotive body repair shop.

According to section 6.15 HOME OCCUPATIONS of the Comprehensive Zoning By-Law 66-01, "The use of the premises in connection with such home occupation shall in no way be offensive, obnoxious or dangerous to the neighbours or the area by reason of: the emission of light, heat, fumes, noise, vibration, gas, dust, smoke, fire, odour, air or water borne waste or pollution".

According to 6.35.2 Restricted Uses of the Zoning By-Law the following uses are prohibited throughout the Township, either alone or in conjunction with other uses, unless such use is specifically permitted in a zone or by an amendment to this By-law: "...non-agricultural odours, noise, vibrations, dust, dirt, or smoke which **does not comply with emission regulations** as may be established by the **Province of Ontario, the Government of Canada, or any agencies thereof**".

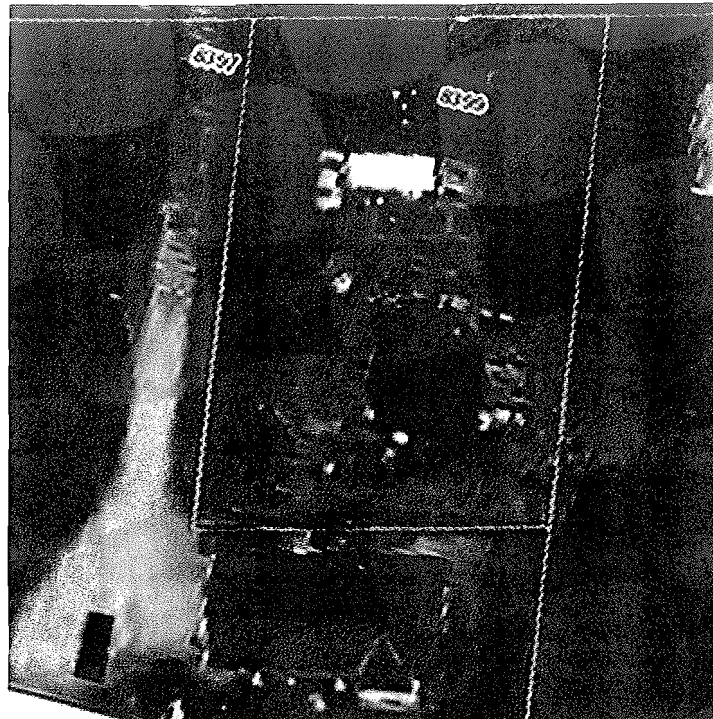


Figure 1.

In Figure 1, the existing building where automotive painting is currently occurring (the building at the centre bottom of the photo on Residence 8397) is only a few feet from the property line. The lot size for residence 8399 where I live is 82.5 feet wide by 132 feet deep. A conforming automotive paint shop is not possible in the existing building.

The Ontario Ministry of Labour, under the **Occupational Health and Safety Act R.S.O. 1990**, requires compliance for the following for automotive repair and paint shops:

- **Designated substances:** Shops using products containing isocyanates in the paint-mixing process will be inspected for compliance with the assessment and control program requirements of the Designated Substances Regulation.
- **Hazardous chemicals:** Controlled products such as solvents, thinners, flammable liquids, and paints are used and stored in these work locations. Information and instruction for workers in the Workplace Hazardous Materials Information System as well as training in the proper use and storage of personal protective equipment will be reviewed by the inspector.
- **Flammable liquid storage:** The quantity and type of flammable liquids will be reviewed to determine whether storage and dispensing meet the requirements under the Regulation for Industrial Establishments.
- **Lifting devices:** Fixed and portable lifting devices may be present and used by workers to hoist vehicles. Inspectors will check to ensure that this equipment is used properly, maintained and inspected.
- **Worker training:** Employers must provide workers with information, instruction and supervision to ensure their health and safety is protected.
- **Apprenticeship:** Inspectors will check workers' apprenticeship certification.

Under the **Environmental Protection Act**, Ontario Regulation 347/12, Registrations under Part II.2 of the Act, Automotive Refinishing, the proprietor of an automotive refinishing establishment must seek and obtain an Environmental Compliance Approval. Also under this regulation the following conditions must be met:

- Indoor fans must be 40 metres from the property boundary.
- Outdoor fans must be 60 metres from the property boundary.
- The coatings that are used at the facility shall,
 - i. meet the requirements of the Volatile Organic Compound (VOC) Concentration Limits for Automotive Refinishing Products Regulations, SOR-2009/197 made under the *Canadian Environmental Protection Act, 1999*,
 - ii. be applied only within a spray booth,
 - iii. be applied only between the hours of 7 a.m. and 7 p.m.,
 - iv. with respect to being water-based or solvent-based, be kept separate while stored or used and not be mixed together when disposed of, and
 - v. be applied only by use of one of the following pieces of equipment:
 - A. HVLP spray equipment that is identified by the manufacturer of the equipment as having a minimum transfer efficiency of 65 per cent.
 - B. Electrostatic spraying equipment.
 - C. Any other coating application equipment that is accompanied by documentation from the manufacturer of the equipment that states the equipment has a minimum transfer efficiency of 65 per cent.
- The facility's spray booth exhaust stacks shall be vertical with no flow impediments and shall discharge at a velocity of not less than 12 metres per second.
- The minimum height, above ground, of each of the facility's spray booth exhaust stacks shall be,
 - i. if the height of the building is completely uniform, at least 1.5 times the height of the building, and
 - ii. if the height of the building is not completely uniform, at least 1.5 times the height of the building where the stack is located and at least as high as the highest point of the building.
- All the intake or exhaust fans related to the facility's spray booths shall be used and operated only between the hours of 7 a.m. and 7 p.m..
- The facility's spray booths shall be equipped with filters that are specified by the manufacturer of the filters to remove at least 95 per cent of particles from the spray booth exhaust stack's emissions.
- The facility-wide coating application rate shall not exceed the maximum rate set out in the regulations according to the property boundary distance (**currently that must be no greater than 2 litres per hour given the closeness of the existing building to the property boundary**).
- Any structure, equipment, apparatus, mechanism or thing that is used or operated in the facility for the purpose of sanding, grinding or buffing of motor vehicles or motor vehicle parts shall be used or operated only if all doors to the exterior of the facility are closed, except to allow for the normal ingress and egress of vehicles and personnel.

- The person engaging in the activity or the manager of the facility if the person engaging in the activity does not manage the facility, and all personnel engaged in the use of coatings at the facility, shall have received training in accordance with section 4.3 of the Canadian Council of Ministers of the Environment publication entitled *National Standards and Guidelines for the Reduction of Volatile Organic Compounds from Canadian Commercial/Industrial Surface Coating Operations – Automotive Refinishing*, dated October 1998, as amended from time to time and available on the Council's website.
- If the person receives a complaint with respect to the facility and the complaint relates to the natural environment, the district manager of the Ministry for the district in which the facility is located shall be notified of the complaint no later than two business days after the complaint is received.
- A person who engages in an activity prescribed by section 2 shall ensure that each of the following records is retained for a period of five years from the day it is created:
 1. A record of the following information with respect to each coating application at the automotive refinishing facility:
 - i. The date, time and duration of the application.
 - ii. The name and manufacturer of each coating used.
 - iii. The amount in litres of each coating used.
 2. A record of the following information with respect to each inspection, maintenance and repair of any structure, equipment, apparatus, mechanism or thing that is used in the automotive refinishing facility for the purposes of automotive refinishing:
 - i. The date and a summary of the inspection, maintenance or repair.
 - ii. The name of the person who performed the inspection, maintenance or repair.
 - iii. If the person referred to in subparagraph ii is an employee, the name of the person's employer or the name of the business that employs the person.
 - iv. A summary of any unsatisfactory conditions observed or discovered and the steps taken to correct such conditions.
 3. A copy of every document relating to each inspection, maintenance and repair mentioned in paragraph 2.
 4. A record of the following information with respect to each complaint received by the person with respect to the automotive refinishing facility, if the complaint relates to the natural environment:
 - i. The date and time when the complaint was received.
 - ii. A copy of the complaint, if it is a written complaint.
 - iii. A summary of the complaint, if it is not a written complaint.
 - iv. A summary of measures taken, if any, to address the complaint.

In the Wellington County Official Plan:

“Compatibility with surrounding residential development is a primary consideration” when approving and permitting home based businesses.

Also according to the Wellington County Official Plan:

"Planning impact assessments may be required to evaluate...the compatibility of the proposed use with consideration given to the height, location, proximity and spacing of buildings; the separation between various land uses; impacts from noise, odour, dust or other emissions from the proposed use and from adjacent land uses; loss of privacy, shadowing or impact on cultural heritage resources and landscapes".

"8.7.2 Objectives. The objectives for industrial development are as follows:

d) to ensure that users of the industrial land are "clean" industries which do not have a detrimental effect on the urban centres and that any potential adverse impacts of industrial development on the natural environment and surrounding land uses are minimized;"

"8.7.6 Expansion Criteria. In considering new industrial areas or expansions thereto, Council may require an impact analysis as outlined in this Plan." To this purpose a full impact assessment should be undertaken at the proponent's expense as a condition of any approval.

In summary, the proposed zoning amendment under consideration for 8397 Line 10, Lot 9, Con 10 should not be allowed. The existing paint shop business is currently in violation of provincial laws, is inconsistent with both the Wellington County Official Plan and the Township of Wellington North Comprehensive Zoning By-Law, and would severely impact my rights to enjoy my rural residential property. An expanded paint shop business is unlikely to be given an Environmental Compliance Approval under the Environmental Protection Act for this property. In summary, approving the rezoning amendment would result in costly and protracted legal battles, at the OMB, and with Provincial regulatory authorities. Denying this zoning amendment is the responsible thing to do. Hazardous and intensive industrial operations do not belong in rural hamlets where the lots are small and buildings are close together. Rather, these operations belong in already designated industrial zones elsewhere in the County. If a commercial business is viable it should be able to operate legitimately in an existing industrial or commercially zoned area. Thank you for your consideration.

Sincerely,



Elizabeth Ellen Wootton

cc. District Manager, Ministry of the Environment,
District Manager, Ministry of Labour
Warden, Wellington County



November 29, 2013

Township of Wellington North
7490 Sideroad 7 West
P.O. Box 125
Kenilworth, Ontario
N0G 2E0

RECEIVED

DEC 02 2013

TWP. OF WELLINGTON NORTH

Attention: Darren Jones, CBCO

Dear Mr. Jones:

**Re: Application for Zoning By-law Amendment
8803 Wellington Road 16, Kenilworth, Ontario N0G 2E0**

On behalf of our clients, Mr. and Mrs. Smith, please find enclosed three copies of an Application for Zoning By-law Amendment, together with three copies of a sketch prepared by Van Harten Surveying Inc. We also enclose our trust cheque in payment of your fee in the amount of \$1500.00.

Please arrange to have this placed on Council's agenda and advise our office of the date. We trust you find the enclosed to be in order, however, should you have any questions, or require clarification, please do not hesitate to contact us.

Yours very truly,
GRANT & ACHESON



Vincent J. Starratt, B.A., M.A., LL.B.
VJS/lz

direct line: 519-843-1960
email: vsarratt@smithvaleriotelaw.com
assistant: lzabielski@smithvaleriotelaw.com

Reply to:

MAILING ADDRESS

P.O. Box 1240, Guelph, ON N1H 6N6

ADDRESS

105 Silvercreek Pkwy. N., Suite 100, Guelph, ON N1H 6S4

TF 800 746 0685 F 519 837 1617

Reply to:

MAILING ADDRESS

P.O. Box 128, Fergus, ON N1M 2W7

ADDRESS

265 Bridge St., Fergus, ON N1M 1T7

T 519 843 1960 F 519 843 6888

CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

Application for Zoning By-law Amendment

Application No. _____

A. THE AMENDMENT

1. TYPE OF AMENDMENT? Site Specific [] Other _____

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?

To prohibit a new residential dwelling on the proposed (retained parcel). Relief of combined floor area for
accessory buildings (severed parcel).

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): Thomas David Smith and Wanda Leah Smith

Address: 8803 Wellington Road 16, Kenilworth, Ontario N0G 2E0

Phone: Home (519 993-6602) Work () _____ Fax () _____

b) Applicant (Agent) Name(s): Vincent J. Starratt

Address: 265 Bridge Street, P.O. Box 128, Fergus, Ontario N1M 2W7

Phone: Home () _____ Work () (519) 843-1960 Fax () (519) 843-6888

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:
Larry Gardiner and Alice Gardiner

d) Send Correspondence To? Owner [] Agent [] Other [] _____

e) When did the current owner acquire the subject land? December 5, 2006

4. WHAT AREA DOES THE AMENDMENT COVER? the "entire" property [] a "portion" of the
property (This information should be illustrated on the required drawing under item G of this application.)

11. HOW LONG HAS THE "EXISTING" USE(S) CONTINUED ON THE SUBJECT LAND?

12. WHAT IS THE "PROPOSED" USE OF THE SUBJECT LAND?

Residential -Severed and Agriculture (field crops) retained

13. PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS OR STRUCTURES ON THE SUBJECT LAND:

PLEASE SEE SCHEDULED ATTACHED.

(Please use a separate page if necessary.)

	<u>Existing</u>		<u>Proposed</u>	
a) Type of Building (s) -or Structure (s)				
b) Date of Construction				
c) Building Height	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
d) Number of Floors				
e) Total Floor Area (sq.m.)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
g) Distance from building/structure to the:				
Front lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Rear lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
h) % Lot Coverage				
i) # of Parking Spaces				
j) # of Loading Spaces				

D. EXISTING AND PROPOSED SERVICES

NOT APPLICABLE

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

Provincial Highway Continually maintained municipal road Right-of-way
County Road Seasonally maintained municipal road Water access

15. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?

Wellington Road 16

16. IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD. (This information should be illustrated on the required drawing under item G of this application.)

NOT APPLICABLE

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Sewers	Communal Sewers	Private Wells	Other Water Supply	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing	()	()	(x)	()	()	(x)	()
b) Proposed	()	()	()	()	()	()	()

18. HOW IS THE STORM DRAINAGE PROVIDED?

Storm Sewers () Ditches () Swales () Other means (explain below)

E. OTHER RELATED PLANNING APPLICATIONS

19. HAS THE CURRENT OWNER (OR ANY PREVIOUS OWNER) MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

Official Plan Amendment	Yes ()	No (X)
Zoning By-law Amendment	Yes (X)	No ()
Minor Variance	Yes ()	No (X)
Plan of Subdivision	Yes ()	No (X)
Consent (Severance)	Yes (X)	No ()
Site Plan Control	Yes ()	No (X)

20. IF THE ANSWER TO QUESTION 19 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. and Date of Application: October 8, 2013, File No. B125/13

Approval Authority: County of Wellington Planning and Land Division

Lands Subject to Application: Lot 10, Concession 5, Wellington North

Purpose of Application: Severance

Status of Application: Conditional Approval

Effect on the Current Application for Amendment: Satisfy condition of severance

F. OTHER SUPPORTING INFORMATION

21. PLEASE LIST THE TITLES OF ANY SUPPORTING DOCUMENTS: (E.G. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report, etc.)

G. APPLICATION DRAWING

22. PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY BE MORE APPROPRIATE TO SUBMIT ADDITIONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING:

- Owners' / applicant's name;
- Legal description of property;
- Boundaries and dimensions of the subject property and its current land use;
- Dimensions of area of amendment (if not, the entire property);
- The size and use of all abutting land;
- All existing and proposed parking and loading areas, driveways and lanes;

- The nature of any easements or restrictive covenants on the property;
- The location of any municipal drains or award drains;
- Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- If access to the subject land is by water only, provide the location of the parking and docking facilities to be used; and
- Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits).

THE DRAWING SHOULD ALSO INCLUDE THE SCALE, NORTH ARROW AND DATE WHEN THE DRAWING WAS PREPARED.

H. AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:

(If affidavit (I) is signed by an Agent / Solicitor on Owner's behalf, the Owner's written authorization below **must** be completed)

I (we) Thomas and Wanda Smith of the Township of Wellington North in the
 County / Region of Wellington do hereby authorize Vincent J. Starratt to

Act as my agent in this application.


 Signature of Owner(s)

November 28, 2013
 Date

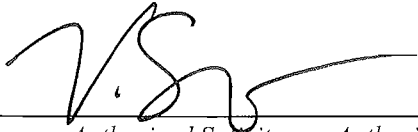
Thomas Smith & Wanda Smith

I. AFFIDAVIT: (This affidavit be signed in the presence of a Commissioner)

I (we) Vincent J. Starratt of the Town of Fergus of the

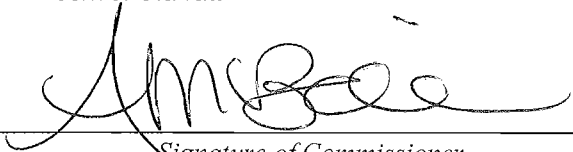
Wellington County / Region of Wellington solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT**.

DECLARED before me at the Wellington Township of Centre Wellington in the County / Region of Wellington this 29th day of 2013



Signature of Owner or Authorized Solicitor or Authorized Agent
Vincent J. Starratt

November 29th, 2013
Date



Signature of Commissioner
Adrienne M. McBride

Nov. 29, 2013
Date

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY



Signature of Municipal Employee

December 2, 2013
Date

SCHEDULE TO APPLICATION FOR ZONING BY-LAW AMENDMENT

PROPOSED SEVERED PARCEL

SEE SKETCH ATTACHED --

13.

Existing:

a) Type of Building or Structure	-	Shop
b) Date of Construction	-	75 years old.
c) Building Height	-	
d) Number of Floors	-	1
e) Total Floor Area	-	93 m2
f) Ground Floor Area	-	93 m2
g) Distance from Building/Structure To the:		
Front Lot Line	-	
Side Lot Line	-	
Side Lot Line	-	
Rear Lot Line	-	
h) % Lot Coverage	-	
i) # of Parking Spaces	-	not applicable
j) # of Loading Spaces	-	not applicable

Existing:

a) Type of Building or Structure	-	Work Shop
b) Date of Construction	-	1959
c) Building Height	-	
d) Number of Floors	-	2
e) Total Floor Area	-	64m2
f) Ground Floor Area	-	64m2
g) Distance from Building/Structure To the:		
Front Lot Line	-	metres more or less
Side Lot Line	-	metres more or less
Side Lot Line	-	metres more or less
Rear Lot Line	-	metres more or less
h) % Lot Coverage	-	not applicable
i) # of Parking Spaces	-	not applicable
j) # of Loading Spaces	-	not applicable

SCHEDULE TO APPLICATION FOR ZONING BY-LAW AMENDMENT

PROPOSED SEVERED PARCEL

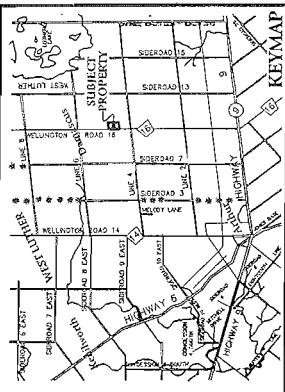
13. (continued)

Existing:

k) Type of Building or Structure	-	Trailer Shed
l) Date of Construction	-	2001.
m) Building Height	-	
n) Number of Floors	-	1
o) Total Floor Area	-	34m ²
p) Ground Floor Area	-	34m ²
q) Distance from Building/Structure To the:		
Front Lot Line	-	metres more or less
Side Lot Line	-	metres more or less
Side Lot Line	-	metres more or less
Rear Lot Line	-	metres more or less
r) % Lot Coverage	-	not applicable
s) # of Parking Spaces	-	not applicable
t) # of Loading Spaces	-	not applicable

Existing:

k) Type of Building or Structure	-	Garage
l) Date of Construction	-	1998
m) Building Height	-	
n) Number of Floors	-	1
o) Total Floor Area	-	24m ²
p) Ground Floor Area	-	24m ²
q) Distance from Building/Structure To the:		
Front Lot Line	-	metres more or less
Side Lot Line	-	metres more or less
Side Lot Line	-	metres more or less
Rear Lot Line	-	metres more or less
r) % Lot Coverage	-	not applicable
s) # of Parking Spaces	-	not applicable
t) # of Loading Spaces	-	not applicable



SEVERANCE SKETCH
 PLAN OF LOT 10, CONCESSION 5
 GEOGRAPHIC TOWNSHIP OF WEST LUTHER
 TOWNSHIP OF WELLINGTON NORTH
 COUNTY OF WELLINGTON

SCALE 1 : 5000
 0 25 50 100 200 300 metres
 VAN HARTEN SURVEYING INC.

LOT 11
 CONCESSION 5
 PIN 71116-0037 (LT)

LOT 10
 CONCESSION 5

LOT 9
 CONCESSION 5
 PIN 71116-0029 (LT)
 PIN 71116-0032 (LT)

LOT 8
 CONCESSION 5
 PIN 71116-0094 (LT)
 PART 3, STR-10417
 CREATED BY CONSENT
 SEPTEMBER 2006 BY INSTRUMENT WCI152423

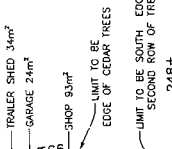
LOT 7
 CONCESSION 5
 PIN 71116-0083 (LT)
 PART 2, STR-10417

LOT 6
 CONCESSION 5
 PIN 71116-0045 (LT)
 PIN 71116-0041 (LT)
 PIN 71116-0044 (LT)

LANDS TO BE
 RETAINED
 AREA=38±ha

ZONING : AGRICULTURAL
 OP : PRIMARY AGRICULTURAL

LANDS TO BE
 SEVERED
 AREA=3.9±ha



WELLINGTON ROAD 16
 (ROAD ALLOWANCE BETWEEN LOTS 9 & 10) 25.3m WIDE

LEGEND
 ——— OVERHEAD HYDRO LINES
 [Symbol] DRIVE
 [Symbol] BUSH

SURVEYOR'S CERTIFICATE
 THIS SKETCH WAS PREPARED ON
 THE 2nd DAY OF OCTOBER, 2013

JEFFREY E. BUISMAN
 ONTARIO LAND SURVEYOR

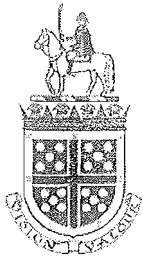
- NOTES:
- THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
 - THE PLAN SHOWS THE ZONING DESIGNATION OF THE SUBJECT LANDS AND THE ZONING DESIGNATION OF PRIMARY AGRICULTURE WITH A MINERAL AGGREGATE OVERLAY.
 - DISTANCES TO BARN ARE TAKEN FROM COUNTY OF WELLINGTON GIS MAPPING WEBSITE.
 - DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
 - SEE ATTACHED LIST OF NAMES AND ADDRESSES OF OWNERS.

Van Harten
 SURVEYING INC.
 LAND SURVEYORS and ENGINEERS

423 WOOLWICH STREET
 GUELPH ONTARIO, CANADA
 PHONE: 519-821-2763
 FAX: 519-821-2770
 www.vanharten.com

660 BRIDLE ROAD UNIT 1
 GUELPH ONTARIO, CANADA L9W 5G5
 PHONE: 519-940-4110
 FAX: 519-940-4113
 www.vanharten.com

DRAWN BY: S.A.P. CHECKED BY: J.E.B. PROJECT No. 21690-13
 Oct 03, 2013 - 12:00pm
 G:\WEST LUTHER\con 5\acad\SEV LOT 10 (HILL) dwg



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

January 8, 2014

Darren Jones, Chief Building Official
Township of Wellington North
7490 Sideroad 7 W
Kenilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Tom & Wanda Smith – Lot 10, Con. 5 (West Luther) – 8803 Well. Rd. 16
Restrict Future Residential & Permit Oversized Accessory Buildings
Draft Zoning By-law Amendment**

PLANNING OPINION

The zoning amendment is required as a condition of provisional consent (B125/13) by the Wellington County Land Division Committee. We have no objections to implementing this decision. Both the PPS and County Plan provide for surplus farm dwelling severances, provided the agricultural lands (the retained parcel) are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

Additional zoning relief is also required for the severed parcel's existing accessory buildings. The applicant would like to retain four buildings which have a combined ground floor area of 2,314 ft², for personal use, whereas 1,800 ft² is permitted. Council should be satisfied that the accessory buildings are intended for personal use and not for commercial purposes.

SUBJECT LAND

The property subject to the proposed amendment is described as Part Lot 10, Concession 5, Geographic Township of West Luther, with a civic address of 8803 Wellington Road 16. The property is 41.9 hectares (103.5 acres) in size.

PURPOSE

The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, "retained" portion of the property. Additionally, relief from the zoning by-law's regulations pertaining to maximum floor area for accessory buildings on the severed portion is required. This rezoning is a condition of severance application B125/13 under the surplus farm dwelling policies that were granted provisional approval by the Wellington County Land Division Committee December 5th, 2013.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the PPS provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

WELLINGTON COUNTY OFFICIAL PLAN

The subject land is designated PRIME AGRICULTURE. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings.

ZONING BY-LAW

The subject lands are zoned Agricultural (A). There will be two site specific zones required on the subject lands. The first site specific zone will prohibit a dwelling on the 93.9 acre, retained agricultural parcel. The second one will address the accessory structures on the 9.6 acre residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory buildings would be reviewed under section 6.1. In this case there are the following accessory buildings – shop 1,001 ft², workshop 689 ft², trailer 366 ft², garage 258 ft² - with a combined ground floor area of 2,314 ft², which exceeds the allowable ground floor area of 1,800 ft² for a 9.64 acre parcel. (Section 6.1.4 (b) has a sliding scale for permitted ground floor area depending on the parcel size).

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

Sincerely,



Mark Van Patter, RPP, MCIP
Manager of Planning and Environment

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
BY-LAW NUMBER _____.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Part Lot 10, Concession 5, Geographic Township of West Luther, as shown on Schedule "A" attached to and forming part of this By-law from:

- **Agricultural (A) to "Agricultural Exception (A-157)**
- **Agricultural (A) to "Agricultural Exception (A-158)**

2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

33.157 Part Lot 10, Con. 5 W. Luther	A-157 Notwithstanding any other section of this by-law to the contrary, a residential dwelling shall be prohibited in this zone. Other agricultural uses, that are not accessory to a dwelling, are permitted.
---	---

3. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

33.158 Part Lot 10, Con. 5 W. Luther	A-158 Notwithstanding Section 6.1.4 (b) or any other section of this by-law to the contrary, the four buildings existing on the day of passing of this by-law may have a maximum combined ground floor area of 215.1 m² (2315 ft²).
---	--

4. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.

5. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2014

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2014

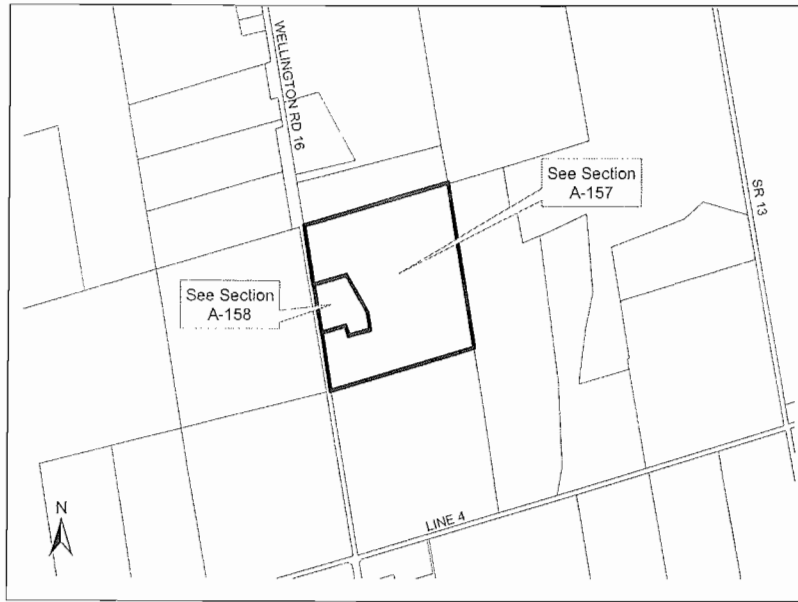
MAYOR

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Rezoned from Agricultural (A) to Agricultural Exceptions (A-157 and A-158)

Passed this ____ day of _____ 2014.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE LOCATION being rezoned is in Part Lot 10, Concession 5, Geographic Township of West Luther, with a civic address of 8803 Wellington Road 16. The property is approximately 41.9 hectares (103.5 acres) in size and is occupied by a residence and four accessory buildings.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural land (A-157) and to allow four accessory buildings that exceed the maximum ground floor area on the residential portion of the lands (A-158). The rezoning will permit 215.1 m² (2,315 ft²) for the four accessory buildings, whereas, the by-law would only permit 167.22 m² (1,800 ft²). This rezoning is a condition of severance application B125/13, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever the existing farm dwelling, and accessory buildings (3.9 ha. (9.64 ac.)) from the remainder of the agricultural parcel (38 ha. (93.9 ac.)).



**PLAN REVIEW REPORT TO: Township of Wellington North
Darren Jones, CBO**

RECEIVED

DATE: December 19, 2013 **YOUR FILE:** See below
GRCA FILE: Wellington/NorthWell/2013/ZC

DEC 23 2013

TWP. OF WELLINGTON NORTH

RE: Application for Zoning By-law Amendment
Part Lot 10, Concession 5, Geographic Township of West Luther
8803 Wellington Road 16, Township of Wellington North
Thomas & Wanda Smith

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the above-noted zoning by-law amendment to restrict any future residential development on the agricultural (retained) portion of the property and allow relief from the maximum floor area for accessory buildings on the severed lands.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject lands do not contain any features of interest to the Grand River Conservation Authority.

2. Legislative/Policy Requirements and Implications:

None.

3. Additional Information/Suggestions provided in an advisory capacity:

We wish to acknowledge receipt of the applicable plan review fee in the amount of \$380.00 for the processing of the related consent application B125/13. As such, a plan review fee for this application is not required.

Should you have any questions or require further information, please do not hesitate to contact me at 519-621-2763 ext. 2236.

Yours truly,

Nathan Garland
Resource Planner
Grand River Conservation Authority
NG/ah


































* *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

Encl. (1)

c.c. Linda Redmond – County of Wellington
Thomas & Wanda Smith – 8803 Wellington Road 16, Kenilworth ON N0G 2E3

8803 Wellington Rd 16

LEGEND

-  WATERSHED BOUNDARY (GRCA)
-  UTILITY LINE (NRVIS)
-  ROADS-ADDRESSED (MNR)
-  RAILWAY (NRVIS)
-  CLASSIFIED STREAMS - NEW (NRVIS)
-  COLD WATER
-  COOL WATER
-  UNKNOWN
-  WARM WATER
-  DRAINAGE-NETWORK (GRCA)
-  PARCELS-ASSESSMENT (MPAC)
-  LOTS (NRVIS)
-  FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
-  FLOODPLAIN (GRCA)
-  ENGINEERED
-  APPROXIMATE
-  ESTIMATED
-  WETLAND (GRCA)
-  SLOPE VALLEY (GRCA)
-  STEEP
-  OVERSTEEP
-  SLOPE EROSION (GRCA)
-  STEEP
-  OVERSTEEP
-  TOE
-  WETLAND (NRVIS)
-  PROVINCIALY SIGNIFICANT
-  LOCALLY SIGNIFICANT
-  UNEVALUATED
-  PARKS (GRCA)
-  REGULATION LIMIT (GRCA)
-  DRAINAGE-POLY (NRVIS)
-  2010 ORTHO (OMT)

GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review of 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. For a complete listing of sources and citations go to:

<http://grca.com/grandriver.ca/docs/Sources/Citations.htm>

Scale 1:8,688
 NAD 1983 UTM Zone 17



Subject Lands

WELLINGTON 16 RD

RECEIVED

TOWNSHIP OF WELLINGTON NORTH

Copy
County of Wellington
Planning

DEC 31 2013

A NOTICE OF
A PUBLIC MEETING TO CONSIDER AMENDMENTS TO THE
COMPREHENSIVE ZONING BY-LAW 66-01

TWP. OF WELLINGTON NORTH

TAKE NOTICE that the Council of the Corporation of the Township of Wellington North has received a complete application to consider a proposed amendment to the Comprehensive Zoning By-law 66-01, pursuant to Section 34 of the *Planning Act, R.S.O. 1990*, as amended.

A Public Meeting will be held by the Wellington North Council to consider this on:

Monday, January 13, 2014

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

COUNTY OF WELLINGTON

DEC 17 2013

ENGINEERING SERVICES
DEPARTMENT

Location of the Subject Land

The property subject to the proposed amendment is described as Part Lot 10, Concession 5, Geographic Township of West Luther, with a civic address of 8803 Wellington Road 16. The property is 41.9 hectares (103.5 acres) in size and the location is shown on the map below.

The Purpose and Effect of the Application

The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, "retained" portion of the property. Additionally, relief from the zoning by-law's regulations pertaining to maximum floor area for accessory buildings on the severed portion is required. This rezoning is a condition of severance application B125/13 under the surplus farm dwelling policies that were granted provisional approval by the Wellington County Land Division Committee December 5th, 2013.

Oral or Written Submissions

Any person or public body is entitled to attend the public meeting and make written or oral submissions in support of or in opposition to the proposed zoning by-law amendment. Written comments should be submitted to the Township Clerk at the address shown below.

Power of OMB to Dismiss Appeals

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 by-law is passed, the person or public body is not entitled to appeal the decision of the Council 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 by-law 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.

Request for Notice of Decision

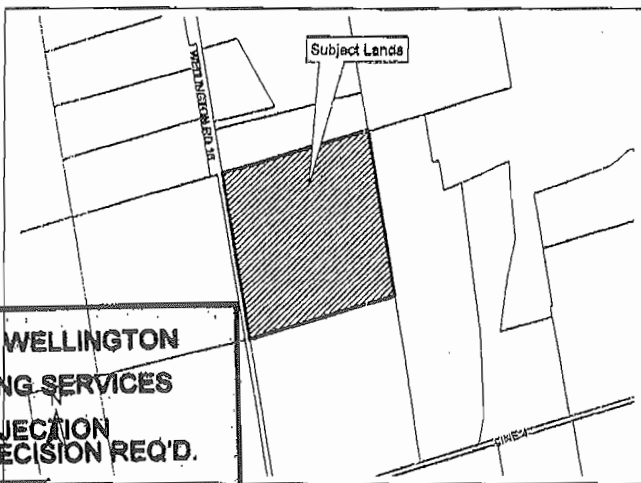
If you wish to be notified of the decision in respect of the proposed Township of Wellington North Zoning By-law Amendments, you must make a written request to the Clerk.

Additional Information

Additional information regarding this application is available for inspection at the Township of Municipal Office at the address shown below.

Dated at the Township of Wellington North
This 12th day of December, 2013

Darren Jones, CBO
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
Dec 27/13