

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A01/14 and A02/14

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APPLICATION A01/14

Owners/Applicant: Mervin and Rita Martin

THE LOCATION OF THE SUBJECT PROPERTY is described as South Part Lot 18, Concession 8, geographic Arthur Township with a civic address of 7296 Sideroad 7 West. The subject land is approximately 8.08 ha (20 acre) in size and is zoned Agricultural and Natural Environment.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the maximum permitted lot coverage for a barn structure on a 20 acre parcel in an agricultural zone. Relief from MDS requirements may also be considered. The applicants are proposing to construct a 3600 ft² barn. Additional relief for minimum setback requirements may also be considered.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on February 24, 2014 as well as posted on the property.
5. Jameson Pickard, Junior Planner, reviewed his comments dated March 4, 2014.

The applicant is proposing to construct a new barn to house 240 goats. The existing 1000 ft² barn is to be removed. The relief requested is from the maximum lot coverage requirements under the hobby barn provisions of the by-law. Staff feels that the structure proposed would not constitute a hobby barn, but rather a livestock facility which should comply with the siting requirements outlined in section 8.2 of the By-law.

The variance should provide relief to allow for the construction of a livestock facility on a lot that is 8.08 ha (20 ac) in size, whereas the by-law requires a lot be 10 ha (25 ac) in size before livestock facilities are permitted. It was noted that the sketch did not include any setback dimensions from the lots lines to the proposed new barn. The Planning Department requested that the barn maintain a minimum interior and rear yard setback of 18.3 m (60 ft.) so as to comply with the zoning requirements specified in the By-law. It was further requested that the barn have a minimum front yard setback of 25 m (82 ft.) to comply with the MDS 2 siting requirements for a barn from a road allowance.

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The Planning Department was satisfied that this application would maintain 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.

The subject property is designated Prime Agricultural in the Wellington County Official Plan. 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.

Under the Wellington North Zoning By-law the subject lands are approximately 8.08 ha (20 ac) and are zoned Agricultural (A) and Natural Environments (NE). The applicants propose to construct a new 334.5 m² (3,600 ft²) barn on the property, which will be used to house approximately 240 goats.

Section 8.2 of the zoning by-law states “*lots legally existing as of the day of passing of this zoning by-law and having a lot area less than 35.0 ha (86 ac) but more than 10.1 ha (25 ac) may be allowed a permitted use including agricultural uses, buildings and structures*”. The subject property is currently 20 acres and would not be permitted to have a livestock facility. As such, the following relief would be required:

- 1) That a lot 8.08 ha (20 ac) in size be permitted to have a livestock facility with a floor area of 3,600 ft², whereas the by-law requires a minimum lot area of 10 ha (25 ac) before Agricultural buildings can be permitted

The sketch provided with the application did not indicate any setback dimensions from the proposed barn to any of the lot lines. Section 8.2 lays out the siting requirements for new agricultural buildings and requires a minimum interior and rear yard setback of 18.3 m (60 ft.). We request that the new structure maintain a minimum interior and rear yard setback of 18.3 m (60 ft.) to avoid further relief from the by-law.

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Further, when a new livestock facility is being proposed MDS 2 calculations are done which generate additional setback requirements for the structure. Calculations were completed and a minimum setback for the barn from a road allowance was determined to be 25 m (82 ft.). We request that the structure be set back a minimum of 25 m (82 ft) from the Sideroad 7 road allowance so as to conform to the required MDS 2 setbacks and avoid further relief from the by-law.

Relief is for barn to be constructed on 20 acre lot. Not typically permitted unless 25 acres or more.

6. Correspondence/Comments received:

- None.

7. Questions/Comments

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

The Applicant was present to answer any questions.

Isaac Martin, 7293 Sideroad 7 West, lives across road from the applicant and was in support of the application.

Persons present who wish to make oral and/or written submissions against this application.

- None

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

Committee – Comments and Questions

- None

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Moved by: Yake

Seconded by: Lennox

THAT the minor variance applied for in Application A01/14 be authorized with condition that the barn maintain a minimum interior and rear yard setback of 18.3 m (60 ft) so as to comply with the zoning requirements specified in the By-law;

AND FURTHER THAT the barn have a minimum front yard setback of 25m (82 ft.) to comply with the MDS 2 siting requirements for a barn from a road allowance.

Resolution No. 2

Carried

APPLICATION A02/14

Owners/Applicant: Terrence and Terry Martin

THE LOCATION OF THE SUBJECT PROPERTY is described as Plan Mount Forest, Part Pk Lot 9, S/S Waterloo St. RP 61-11941 Parts 1 to 4. The subject land is approximately 1166.3 sq.m (12,554 sq.ft) in size and is zoned R2 Residential Zone.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the minimum side yards and rear yard setback requirements. The minor variance is being sought to maximize the potential use of the proposed street townhouse residential development. Additional relief for minimum setback requirements may also be considered.

8. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on February 24, 2014 as well as posted on the property.
9. Jameson Pickard, Junior Planner, reviewed his comments dated March 4, 2014.

The variances requested would provide relief from sections 12.2.6.3, 12.2.6.4 and 12.2.6.7 of the zoning By-law to allow for a reduced exterior yard, interior yard and rear yard setbacks to accommodate a proposed street townhouse residential dwelling.

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The Planning Department were satisfied that this application would maintain 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.

The subject property is designated Residential in the Wellington County Official Plan. 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.

Under the Wellington North Zoning By-law the subject property is currently zoned Residential (R2). The applicants are proposing to construct a 3 unit street town house residential dwelling with a total combined floor area of 4,380 ft² (407 m²). Relief for the interior yard setbacks, exterior yard setbacks and rear yard setbacks will be required. As such, the following relief would be required:

- 1) That a minimum interior side yard setback of 1.75 m (5.9 ft) be permitted, whereas the by-law requires a setback of 3.0 m (9.8 ft); and,
- 2) That a minimum exterior side yard setback of 6.0 m (20 ft.) be permitted, whereas the by-law requires a setback of 7.6 m (24.9 ft.); and,
- 3) That a minimum rear yard setback of 6.27 m (20.5 ft.) be permitted, whereas the by-law requires a setback of 7.6 m (24.9 ft.).

10. Correspondence/Comments received:

- Candice Hamm, Environmental Planning Coordinator, SVCA
- The proposal is acceptable to the SVCA.

11. Questions/Comments

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. They believe the units will fit nicely on property. The townhouses will be single storey on a slab with in-floor heating. Cladding will be stone and brick and each unit will have a garage.

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Persons present who wish to make oral and/or written submissions against this application.

Cheryl Rynsoever, 510 Cork Street, asked what kind of townhouses will these be? Will they be for low income housing?

Mrs. Martin explained that the proposal is for a triplex. Units will be 1,460 sq. ft. This housing will be for seniors and is similar to townhouses built by Peter Schlegel. They will be rented for approximately \$1,400/month.

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

Committee – Comments and Questions

Councillor Yake commented that the townhouses will be a nice addition to the corner and that the Martin's build a good product.

Moved by: Lennox

Seconded by: Yake

THAT the minor variance applied for in Application A02/14 be authorized.

Resolution No. 3

Carried

12. Adjournment

Moved by: Yake

Seconded by: Lennox

That the Committee of Adjustment meeting of March 10, 2014 be adjourned at 7:31 p.m.

Resolution No. 4

Carried

Secretary Treasurer

Chairman