



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

[www.wellington-north.com](http://www.wellington-north.com)

519.848.3620

1.866.848.3620 FAX 519.848.3228

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## Committee of Adjustment

Monday, April 10, 2017

2:00 p.m.

Municipal Office Council Chambers, Kenilworth

### AGENDA

AGENDA ITEM	PAGE NO.
<b><u>CALLING TO ORDER</u></b>	
- Chairman Lennox	
<b><u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u></b>	
<b><u>MINUTES OF PREVIOUS MEETING(S)</u></b>	
Committee of Adjustment, September 26th, 2017 (A08-16)	1
<b><u>APPLICATION A01-17</u></b>	
<b><u>OWNERS/APPLICANT</u></b>	
- Steven Clark	
<b><u>LOCATION OF THE SUBJECT LAND</u></b>	5
The location of the subject property is described as Lot 9, Concession 6 RP 61R-11009 with frontage on Wellington Road 16, Damascus. The subject land is approximately 0.4 ha (1 ac.). The location of the property is shown on the map attached.	

AGENDA ITEM	PAGE NO.
<p data-bbox="188 279 1024 317"><b><u>PURPOSE AND EFFECT OF THE APPLICATION</u></b></p> <p data-bbox="188 359 1271 537">The purpose and effect of the application is to provide relief from the required minimum lot frontage for a lot created by severance application B61/16. The frontage on the subject property is to be reduced from 30.5 m to 7 m. The variance requested will satisfy a condition related to the provisionally approved severance application.</p> <p data-bbox="188 579 659 617"><b><u>SECRETARY TREASURER</u></b></p> <p data-bbox="188 659 1271 762">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 March 29th, 2017.</p> <p data-bbox="188 804 505 842"><b><u>PRESENTATIONS</u></b></p> <p data-bbox="188 884 561 915">Jameson Pickard, Planner</p> <ul data-bbox="237 919 630 951" style="list-style-type: none"><li>- See attached comments</li></ul> <p data-bbox="188 993 1073 1031"><b><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></b></p> <p data-bbox="188 1073 781 1104">David O'Dwyer, 8924 Wellington Road 16</p> <ul data-bbox="237 1108 797 1140" style="list-style-type: none"><li>- Strongly disagrees with the variance</li></ul> <p data-bbox="188 1182 862 1220"><b><u>REQUEST FOR NOTICE OF DECISION</u></b></p> <p data-bbox="188 1262 1255 1329">Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p data-bbox="188 1371 854 1451"><b><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></b></p> <p data-bbox="188 1493 1146 1560">Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p data-bbox="188 1602 1146 1669">Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p data-bbox="188 1711 1073 1749"><b><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></b></p>	<p data-bbox="1369 905 1393 936">6</p> <p data-bbox="1369 1083 1393 1115">8</p>

AGENDA ITEM	PAGE NO.
<p><b><u>APPLICATION A02-17</u></b></p> <p><b><u>OWNERS/APPLICANT</u></b></p> <p>- 861467 Ontario Inc.</p> <p><b><u>LOCATION OF THE SUBJECT LAND</u></b></p> <p>The location of the subject property is described as Lot 11, Concession 1, geographic township of Arthur. The subject land is approximately 41.1 ha (101.5 acres). The location of the property is shown on the map attached.</p> <p><b><u>PURPOSE AND EFFECT OF THE APPLICATION</u></b></p> <p>The purpose and effect of the application is to provide relief from a number of sections of the Zoning By-law; including relief from section 8.4.3 for an increased separation distance between a second residential dwelling and principal dwelling on the property; relief from section 8.5.2.7 for a reduced minimum floor area for the second residence on the property; as well as relief from sections 6.1.4 b) and 6.1.3 for increases to the maximum floor area and height of an existing accessory structure on the property. These variance are a condition of severance application B25/16, that was granted provisional approval by the Wellington County Land Division Committee. Other variances may be considered where deemed appropriate.</p> <p><b><u>SECRETARY TREASURER</u></b></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 March 29th, 2017.</p> <p><b><u>PRESENTATIONS</u></b></p> <p>Jameson Pickard, Planner</p> <p>- See attached comments</p>	<p>11</p>
<p><b><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></b></p> <p>None.</p>	<p>12</p>

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
<p data-bbox="188 279 862 317"><b><u>REQUEST FOR NOTICE OF DECISION</u></b></p> <p data-bbox="188 359 1255 428">Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p data-bbox="188 470 850 548"><b><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></b></p> <p data-bbox="188 590 1146 659">Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p data-bbox="188 701 1146 770">Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p data-bbox="188 812 1073 850"><b><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></b></p>	

AGENDA ITEM	PAGE NO.
<p><b><u>APPLICATION A03-17</u></b></p> <p><b><u>OWNERS/APPLICANT</u></b></p> <ul style="list-style-type: none"><li>- Christopher McGaughey and Noelle Jones</li></ul> <p><b><u>LOCATION OF THE SUBJECT LAND</u></b></p> <p>The location of the subject property is described as Part Park Lot 9, Mount Forest and has a civic address of 790 Waterloo Street. The subject land is approximately 743.2 m<sup>2</sup> (8,000 ft<sup>2</sup>). The location of the property is shown on the map attached.</p> <p><b><u>PURPOSE AND EFFECT OF THE APPLICATION</u></b></p> <p>The purpose and effect of the application is to provide relief from the maximum floor area and maximum lot coverage requirements for accessory structures on a property. Section 6.1.4 a) and b) of the by-law permits a maximum floor area of 92.9 m<sup>2</sup> (1,000 ft<sup>2</sup>) for an accessory structure and a total lot coverage of 10 % for all accessory structures on a property. The applicant is requesting permission to construct a 93.6 m<sup>2</sup> (1008 ft<sup>2</sup>) detached garage which would result in a total accessory building lot coverage of 12.6%. Other variances may be considered where deemed necessary.</p> <p><b><u>SECRETARY TREASURER</u></b></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 March 29th, 2017.</p>	15
<p><b><u>PRESENTATIONS</u></b></p> <p>Jameson Pickard, Planner</p> <ul style="list-style-type: none"><li>- See attached comments</li></ul>	16
<p><b><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></b></p> <p>Michael Oberle, Environmental Planning Technician, SCVA</p> <ul style="list-style-type: none"><li>- See attached comments</li></ul>	18

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
<p><b><u>REQUEST FOR NOTICE OF DECISION</u></b></p> <p>Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p><b><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></b></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><b><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></b></p> <p><b><u>ADJOURNMENT</u></b></p>	

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, SEPTEMBER 26, 2016 – 7:00 P.M.  
A08/16**

The Committee of Adjustment met at the Kenilworth Municipal Office Council Chambers.

**Members Present:** Chairman: Andy Lennox  
Sherry Burke  
Lisa Hern  
Steve McCabe  
Dan Yake

**Also Present:** Secretary-Treasurer, Clerk: Karren Wallace  
CAO/Deputy Clerk: Michael Givens  
Executive Assistant: Cathy Conrad  
Treasurer: Kimberly Henderson  
Director of Public Works: Matthew Aston  
Director of Recreation, Parks & Facilities: Barry Lavers  
Economic Development Officer: Dale Small

**Absent:** Senior Planner: Linda Redmond

**THE CHAIRMAN CALLED THE MEETING TO ORDER**

**DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

No pecuniary interest reported.

**MINUTES OF PREVIOUS MEETING(S)**

**RESOLUTION NUMBER CoA 2016-27**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the Committee of Adjustment meeting minutes of August 14 2016 – A06/16 and A07/16 be adopted as presented.*

**CARRIED**

**APPLICATION A08/16**

**Owners/Applicant: Edward O'Neill and Darlene Craig**

**The location of the subject property** is described as Part Park Lot 9, S/S Smith Street, Crown Survey with a civic address of 405 Smith Street, Arthur. The subject land has an area of 865.5 m<sup>2</sup> (0.21 ac) and frontage of 20.2 m (66.6 ft.).

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, SEPTEMBER 26, 2016 – 7:00 P.M.  
A08/16**

**The purpose and effect of the application** is to provide relief from the minimum lot area, front yard and rear yard setbacks for the construction of a single detached dwelling. This property recently received provisional approval from the County Land Division Committee to sever the existing residential lot into two. These variances are required as a condition of severance application B44/16.

**NOTICE OF THIS MEETING** was mailed on September 14, 2016 to the to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property pursuant to the provisions in the Planning Act.

**PRESENTATION**

Linda Redmond, Senior Planner, provided comments dated September 21, 2016.

**Planning Opinion:** The variances requested would allow a minor reduction in the minimum lot area, front and rear yard setback to permit the construction of a single family dwelling and facilitate the severance of the subject lands.

There were no concerns with the relief requested at this time. This application is considered minor and would maintain the general intent and purpose of the Official Plan and Zoning By-law. It is desirable and appropriate for the development of the subject property.

**SUBJECT PROPERTY AND LOCATION**

The property is described as Part Park Lot 9, S/S Smith Street, Crown Survey with a civic address of 405 Smith Street, Arthur. The subject land has an area of 865.5 m<sup>2</sup> (0.21 ac) and frontage of 20.2 m (66.6 ft.). The property is currently occupied by a single family dwelling.

**PROPOSAL**

The purpose of this application is to provide relief from the minimum lot area, front yard and rear yard setbacks for the construction of a single detached dwelling. This property recently received provisional approval from the County Land Division Committee to sever the existing residential lot into two. These variances are required as a condition of severance application B44/16.

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated RESIDENTIAL. 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.



**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, SEPTEMBER 26, 2016 – 7:00 P.M.  
A08/16**

**TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW**

The subject property is currently zoned Residential (R2). The applicants have severed the property and are proposing to construct a single family dwelling on the vacant parcel and retain the dwelling on the retained parcel. In order to facilitate this proposal and as a condition of consent the following variances are required:

<b>Severed Parcel</b>	<b>Adopted By-Law (66-01)</b>	
	<b>Required</b>	<b>Requested</b>
<b>Minimum lot area</b>	465 m <sup>2</sup> (5005.4 ft <sup>2</sup> )	444 m <sup>2</sup> (4779 ft <sup>2</sup> )
<b>Minimum front yard</b>	7.6 m (24.9 ft.)	6 m (20 ft.)
<b>Minimum rear yard</b>	7.6 m (24.9 ft.)	6 m (20 ft.)

<b>Retained Parcel</b>	<b>Adopted By-Law (66-01)</b>	
	<b>Required</b>	<b>Requested</b>
<b>Minimum lot area</b>	465 m <sup>2</sup> (5005.4 ft <sup>2</sup> )	421.56 m <sup>2</sup> (4537.6 ft <sup>2</sup> )
<b>Minimum rear yard</b>	7.6 m (24.9 ft.)	3.66 m (12 ft.)

**CORRESPONDENCE/COMMENTS RECEIVED**

- No correspondence received

**REQUEST FOR NOTICE OF DECISION**

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

**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.

No one present to make submissions in support of the proposed minor variance.

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

No one present to make submissions against the proposed minor variance.

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, SEPTEMBER 26, 2016 – 7:00 P.M.  
A08/16**

**COMMENTS/QUESTIONS FROM THE COMMITTEE**

No comments were provided

**RESOLUTION NUMBER CoA 2016-28**

Moved by: Member Burke

Seconded by: Member McCabe

**THAT the minor variance applied for in Application A08/16 to provide the following relief:**

1. A minimum lot area on the severed portion of 444 m<sup>2</sup> (4779.2 ft<sup>2</sup>) be permitted whereas 465 m<sup>2</sup> (5005.4 ft<sup>2</sup>) is required;
2. A minimum front yard setback on the severed portion of 6 m (20 ft) be permitted whereas 7.6 m (24.9 ft) is required;
3. A minimum rear yard setback on the severed portion of 6 m (20 ft) be permitted whereas 7.6 m (24.9 ft) is required;
4. A minimum lot area on the retained portion of 421.56 m<sup>2</sup> (4537.6 ft<sup>2</sup>) be permitted whereas 465 m<sup>2</sup> (5005.4 ft<sup>2</sup>) is required;
5. A minimum rear yard setback on the retained portion of 3.66 m (12 ft) be permitted whereas 7.6 m (24.9 ft) is required;

for the construction of a single detached dwelling on the subject property Part Park Lot 9, S/S Smith Street, geographic Village of Arthur (405 Smith Street) be authorized.

**CARRIED**

**ADJOURNMENT**

**RESOLUTION NUMBER CoA 2016-29**

Moved by: Member McCabe

Seconded by: Member Burke

*THAT the Committee of Adjustment meeting of September 26, 2016 be adjourned at 7:05 p.m.*

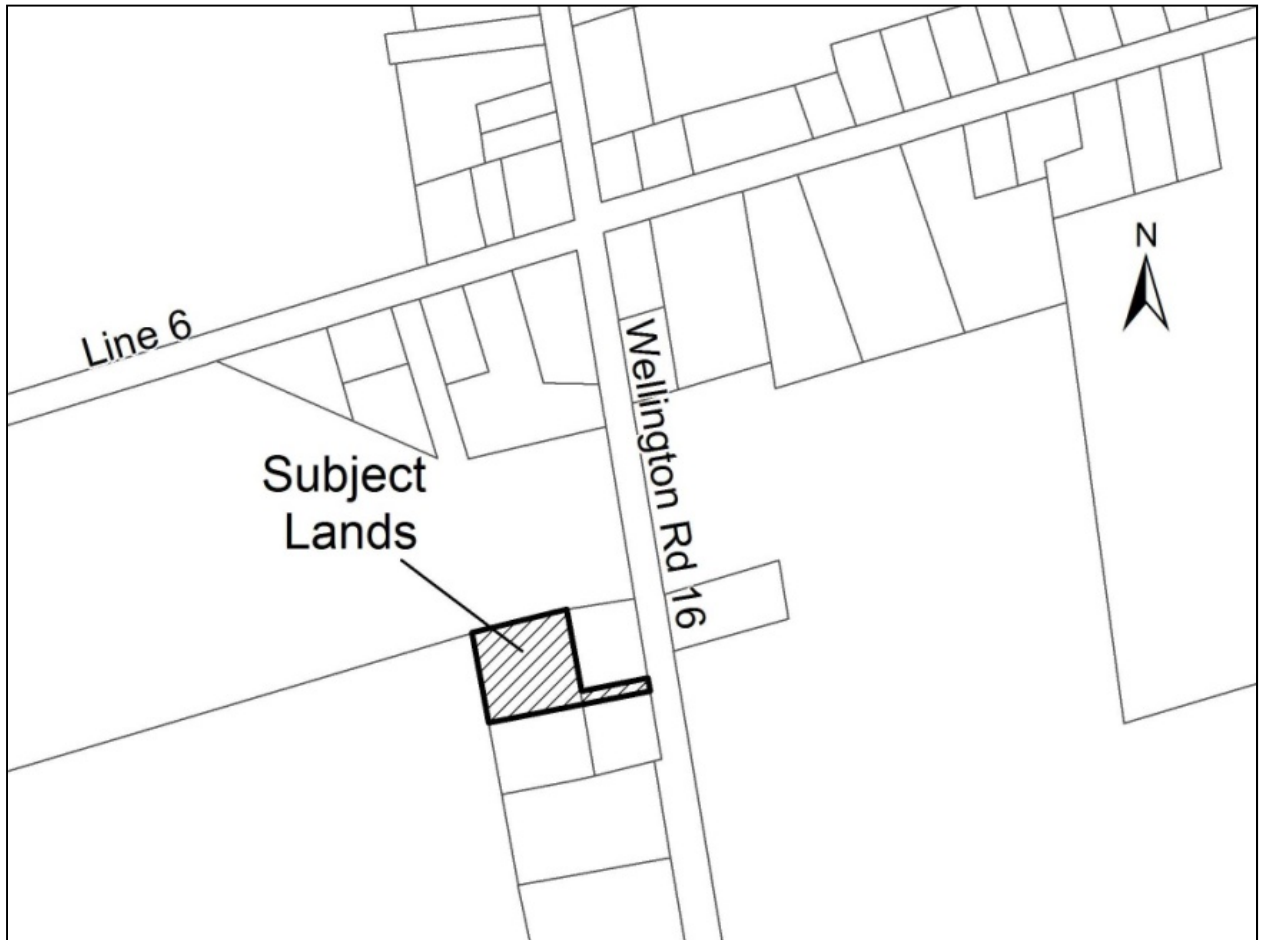
**CARRIED**

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Secretary Treasurer

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Chairman



**A01-17 Steven Clark**



## 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

April 3<sup>rd</sup>, 2017

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 A1/17**  
**Lot 9, Concession 6 RP 61R-11009**  
**Wellington Road 16, RR #4, Kenilworth**  
**Steven Clark**

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

**Planning Comments:** The minor variance requested is a condition of consent application B61/16, which was granted provisional approval by the Wellington County Land Division Committee on October 19, 2016. The minimum lot frontage required is 30.5m (100 ft.), whereas a lot frontage of 7.0m (23 ft.) has been provided.

We would have no concerns with the relief requested and are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law, and would be desirable and appropriate for the development of the subject property.

### **SUBJECT PROPERTY AND LOCATION**

The subject lands are described as Lot 9, Concession 6, in the geographic Township of West Luther. The subject land is approximately 0.40 ha (1.1 acres)

### **PROPOSAL**

The purpose of this application is to provide relief from the minimum lot frontage requirements of section 9.2.2 the by-law. The relief is required in order to satisfy a condition of provisionally approved consent application B61/16 which was approved by the Wellington County Land Division Committee on October 13<sup>th</sup>, 2016.

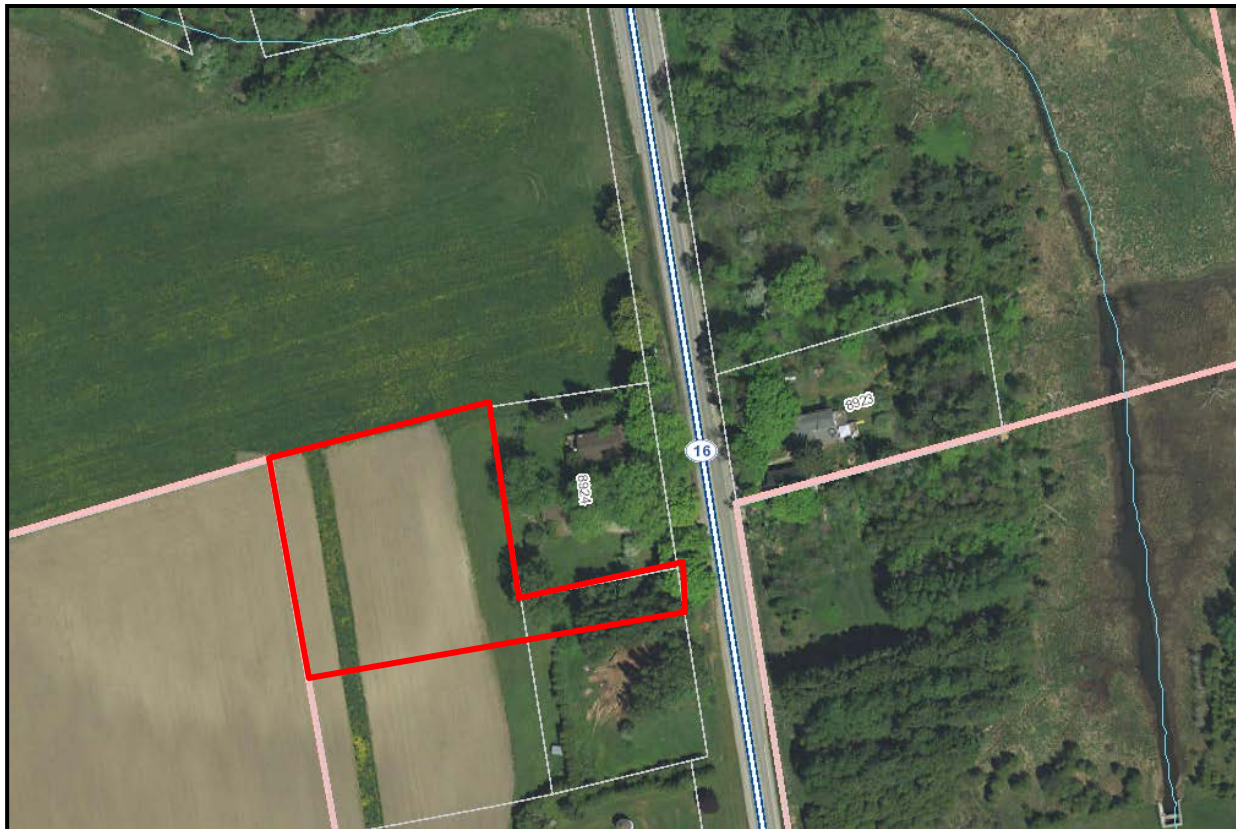
### **WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated as HAMELT and CORE GREENLANDS. 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.

**TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW**

The subject property is zoned Un-serviced Residential (R1A) zone. The applicants are requesting relief to the by-law in order to facilitate access to a proposed lot. The following relief is required:

1. To permit a lot frontage of 7 m (22.9 ft.), whereas section 9.9.2 of the By-law requires a 30.5 m (100 ft.) frontage.



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

Yours truly,

A handwritten signature in cursive script that reads "Jameson Pickard".

Jameson Pickard  
Planner

Written submission from David O'Dwyer  
8924 Wellington Road 16  
Damascus

RECEIVED

APR - 3 2017

To the Committee of Adjustment for the Township of Wellington North,

TWP. OF WELLINGTON NORTH

Re: Proposed variance of Lot 9, Concession 6RP61R-11009

We strongly disagree with the variance.

This will directly affect us as we are the property owners and dwellers of the neighbouring lot of Lot 9, Concession 6RP 61R-11009.

We purchased a nice ½ acre rural setting home 11 months ago not knowing there was future development of the land directly behind (and a 7 metre strip beside us), or we definitely would have moved on with our search for a peaceful, rural home with privacy and beauty. The land behind us was being used as farmland and we thought it would continue to be agricultural use. We did, however, know that the ½ acre lot directly beside us was sold and a home was to be built. This lot beside us, at the time, was a full ½ acre lot of pine trees. Most of these have since been cut down. The trees that remain are on the edges of the property. If this variance is approved, the remaining trees will have to be removed to make room for the driveway to access the lot in behind our property. This variance allows the driveway to run along the whole depth of our property with no separation or barricade.

At present there is a driveway to access the proposed new home. This driveway is directly beside the proposed variance driveway access. This means my property will have **two** driveways running along the entire depth of my property. This means twice the fumes, noise and loss of privacy.

The proposed variance, if approved, would also leave us vulnerable to having the driveway turn at the back of our property. We could potentially have lanes of traffic on **3** sides of our property. Not exactly rural living.

This will absolutely directly affect us.

We have prevailing west winds that are strong and constant.

This will affect us through dust, dirt and noise from the construction of the home and after. It will affect us through smoke from fire pits, fumes/gas from home operation, car exhaust and car lights turning into the driveway.

We will lose our view and privacy.

This was not in our family plans when we purchased and it totally changes the rural setting which we moved here for, so this plan, if approved will unfortunately push us out and we will be forced to move to find a setting which we have now, but may soon be losing.

It's bad enough a ½ acre of pine trees are already gone.

Please allow us to maintain space and beauty between our dwellings.

Thank you,

A handwritten signature in black ink, appearing to be "D. O. [unclear]".

P.S.

This is so important to us that we made an agreement to purchase this property. The deal expired and upon further reflection we decided not to go ahead with the purchase because the price was too expensive.

Wellington Rd 16

Line 6

Subject Lands

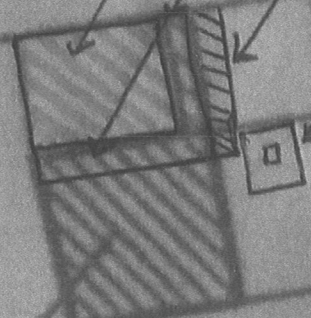


MY LOTS

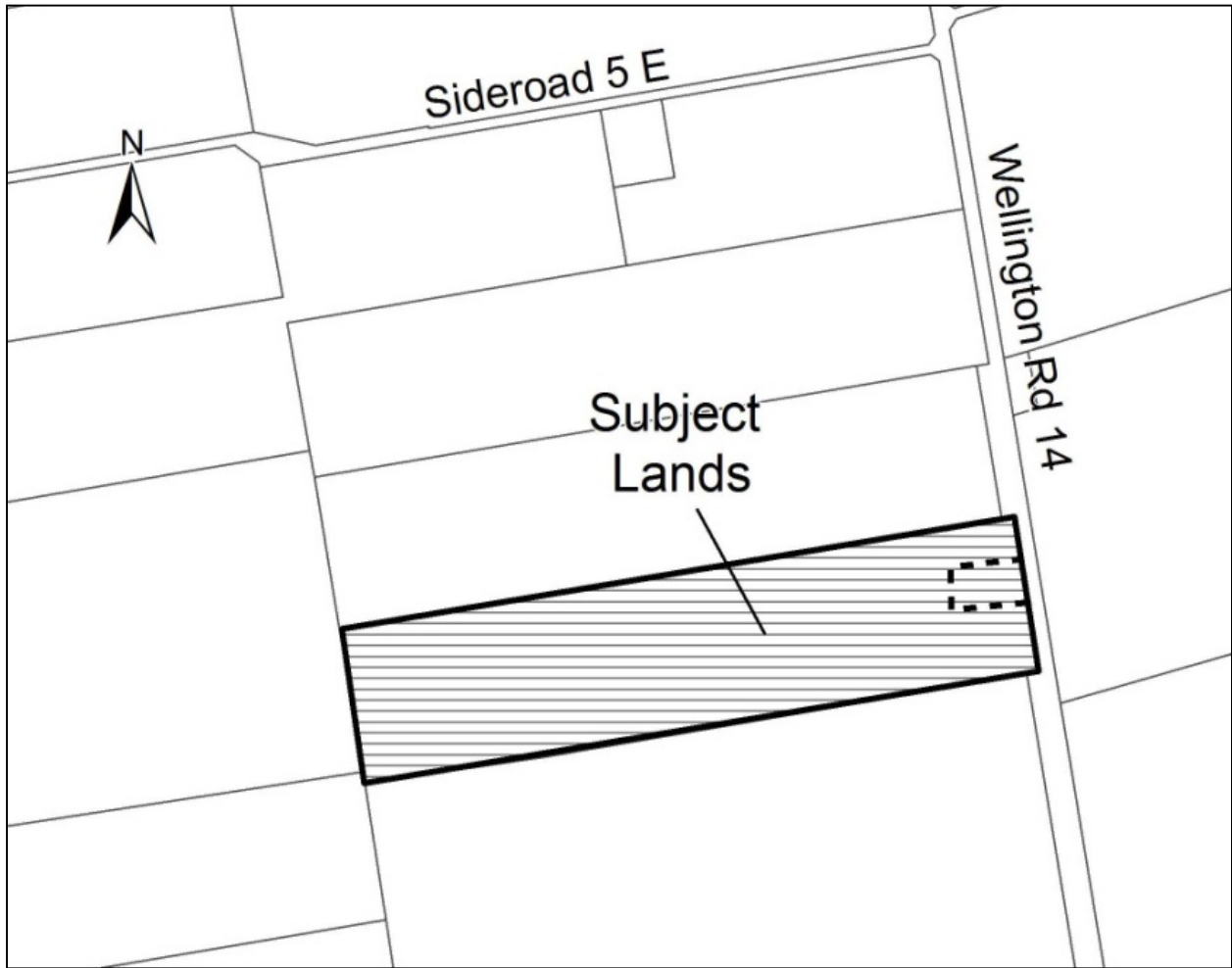
POSSIBLE FUTURE DRIVEWAY  
DEPENDENT ON FUTURE HOME POSITION

EXISTING DRIVEWAY.

PROPOSED BUILDING SITE,  
(ACCORDING TO OWNER)







**A02-17 861467 Ontario Inc.**



## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
GARY A. COUSINS, M.C.I.P., DIRECTOR  
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1-800-663-0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

April 3<sup>rd</sup>, 2017

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 A2/17**  
**Lot 11, Concession 1**  
**9206 Wellington Rd 14**  
**861467 Ontario Inc**

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

**Planning Comments:** The minor variance requested is a condition of severance application B25/16, which was granted provisional approval by the Wellington County Land Division Committee on June 9, 2016. The purpose of this application is to provide relief to several sections of the by-law, including relief for the separation distance between a principle dwelling and second dwelling unit on a property, relief to the minimum floor area of a residence on a property, and relief to the maximum floor area and height requirements for an existing accessory structure.

In terms of the relief for the separation distance between the two dwellings on the subject lands, it is required to facilitate a building permit to legalize the existing dwelling on the severed parcel. Relief for the separation distance is significant, however it is technical in nature and will be temporary, as it will no longer be relevant once the severance is finalized and the house is on separate parcel. The remaining relief requested is to address deficiencies that will result once the severance is finalized, and includes recognizing the undersized dwelling and oversized accessory building on the severed parcel.

We would generally have no concerns with the relief requested, and are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law, and would be desirable and appropriate for the development of the subject property. However, the Committee should be satisfied that the existing accessory building is intended for personal use and not for commercial purposes. A condition of this nature may be warranted. The Committee should also consider adding a condition which indicates that the required relief is only applicable to the severed parcel.

### **SUBJECT PROPERTY AND LOCATION**

The subject lands are described as Part Lot 11, Concession 1, geographic Township of Arthur, with a civic address of 9206 Wellington Rd 14. The subject land is approximately 41.1 ha (101 acres)

### **BACKGROUND**

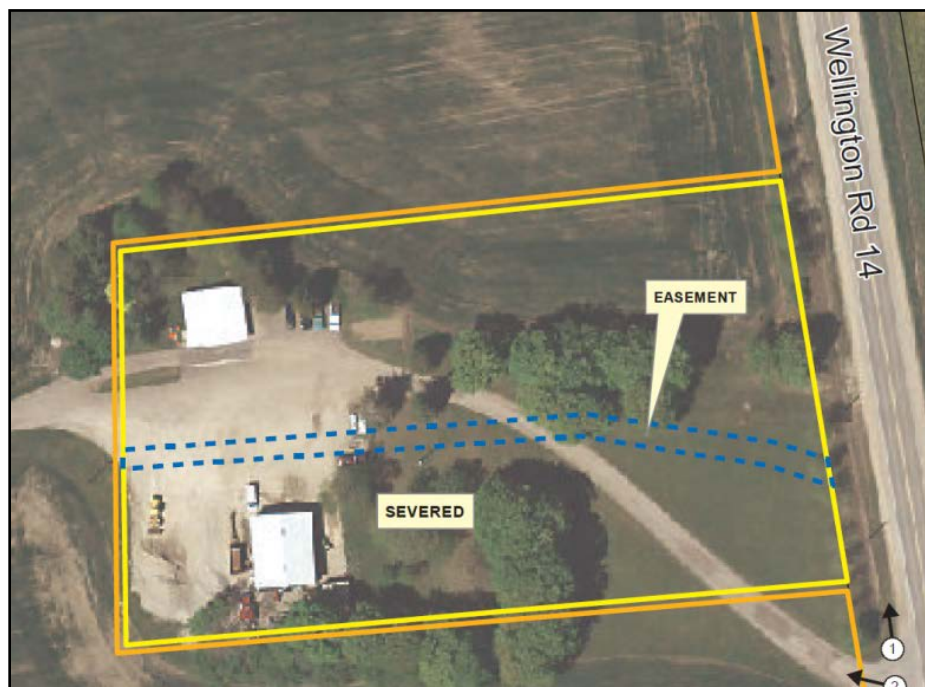
The subject property was formally used as a mineral aggregate operation and has since been rehabilitated back to agriculture and the aggregate licence surrendered. In June of 2016 the applicants received conditional approval for severance application (B25/16) from the Wellington County Land Division Committee. The proposal would create a 1.2 ha (3 ac) rural residential parcel with an existing dwelling and accessory building. The dwelling was the former scale house servicing the aggregate operation and has been converted to a residential dwelling without the benefit of a building permit. As a condition of the severance application a building permit is required to legalize the dwelling and to obtain zoning compliance for other deficiencies.

### **PROPOSAL**

The purpose of this application is to provide relief from the separation distance required between a principle dwelling unit and second dwelling unit on a property, additional relief is required to the minimum floor area requirement for the dwelling on the severed parcel, and relief to the maximum floor area and height requirements for an existing accessory structure. This relief is required as a condition of provisionally approved consent application B25/16.

### **WELLINGTON COUNTY OFFICIAL PLAN**

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



**TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW**

The subject property is zoned Agricultural (A) zone. The applicants are requesting relief from the by-law to legalize an existing illegal residential dwelling and to permit an existing shop to remain on the proposed severed parcel. The following variances are required:

1. To permit one single family dwelling (existing) on the property with a setback of 530 m +/- (1,739 ft) from the dwelling on the retained property, whereas Section 8.4.3 would require the second residential dwelling unit to be located within 61 m (200 ft) of the main residence;
2. To permit a residential dwelling with a minimum floor area of 91 m<sup>2</sup> (980 ft<sup>2</sup>), whereas Section 8.5.2.7 requires a minimum floor area of 102.2 m<sup>2</sup> (1,100 ft<sup>2</sup>) for a dwelling on a property;
3. To permit a total ground floor area of 178 m<sup>2</sup> (1,916 ft<sup>2</sup>) for an accessory structure, whereas section 6.1.4 of the by-law permits a total maximum ground floor area of 111.5 m<sup>2</sup> (1,200 ft<sup>2</sup>) for a lot this size; and
4. To permit a maximum height of 8 m (26 ft.) for an accessory structure, whereas the by-law allows a maximum height of 4.57 m. (15 ft.).

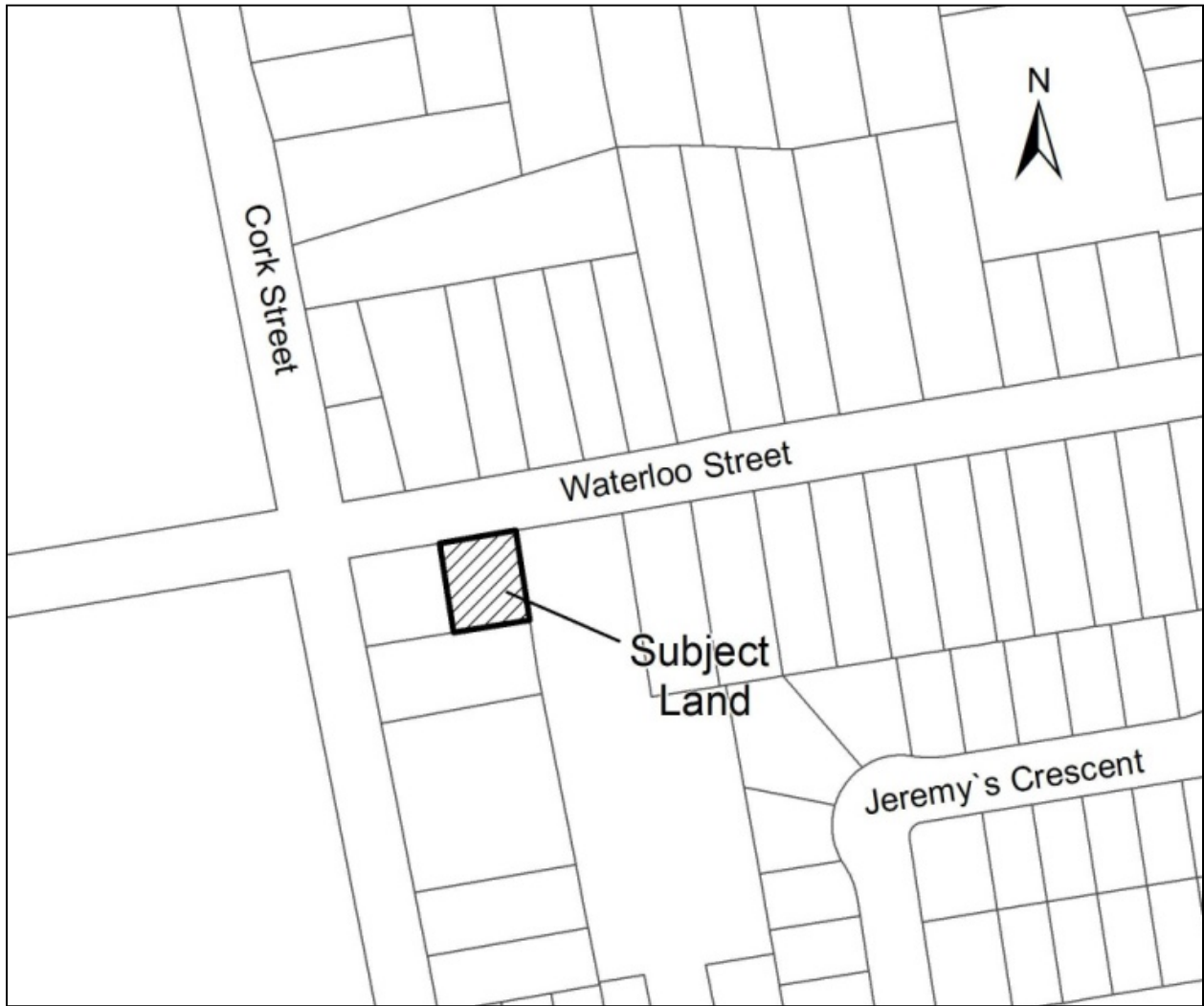
Part of the relief requested (variance # 1) is required for a building permit to be issued for the dwelling on the severed parcel. Although the principle and second dwelling will be separated once consent application B25/16 is finalized, zoning compliance is required in order for a building permit to be issued to legalize the dwelling on the severed parcel. The remaining variances requested (variances #2 - #4) are required to recognize zoning deficiencies that would exist with the dwelling and accessory building once the severed parcel is finalized.

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

Yours truly,



Jameson Pickard  
Planner



**A03-17 Christopher McGaughey and Noelle Jones**



## 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

April 3rd, 2017

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 A3/17**  
**Part Park Lot 9,**  
**790 Waterloo Street, Mount Forest**  
**Christopher McGaughey & Noelle Jones**

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

**Planning Comments:** The variance requested would provide relief from the maximum floor area and lot coverage requirements for an accessory structure on a residential lot. The applicant is proposing to construct a garage with a floor area of 93.6 m<sup>2</sup> (1,008 ft<sup>2</sup>), whereas the by-law allows a 92.9 m<sup>2</sup> (1,000 ft<sup>2</sup>) maximum. The new accessory structure would also result in lot coverage of 12.6 %, whereas the by-law only permits a maximum of 10% lot coverage for accessory buildings. All other zoning requirements appear to be met.

We have no concerns with the size of the proposed structure and are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law, and would be desirable and appropriate for the development of the subject property. In addition, the Committee should be satisfied that the proposed accessory building is intended for personal use and not for commercial purposes. A condition of this nature may be warranted.

### **SUBJECT PROPERTY AND LOCATION**

The subject lands are described as Part Park Lot 9, with a civic address of 790 Waterloo. The subject land is approximately 8,000 ft<sup>2</sup> (743 m<sup>2</sup>)

### **PROPOSAL**

The purpose of this application is to provide relief from the maximum floor area and height requirement for a proposed accessory structure. The maximum floor area of accessory structures shall not exceed 92.9 m<sup>2</sup> (1,000 ft<sup>2</sup>) and shall not exceed 10% in lot coverage. The applicant is requesting permission to construct a 92.9 m<sup>2</sup> (1,008 ft<sup>2</sup>) detached garage with a total accessory building lot coverage of 12.6%.

**WELLINGTON COUNTY OFFICIAL PLAN**

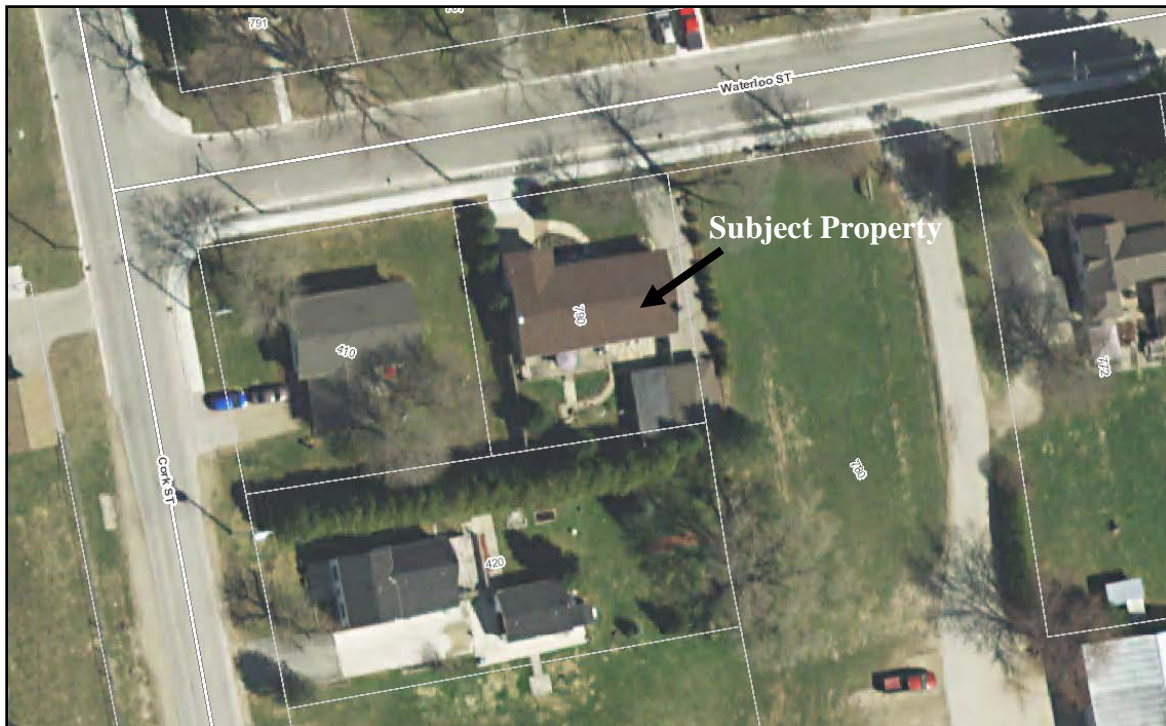
The subject property is designated RESIDNETIAL. Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall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

**TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW**

The subject property is zoned Residential (R2). The applicants are proposing to construct a new garage with the following required variances:

1. A total ground floor area of 93.6m<sup>2</sup> (1,008 ft<sup>2</sup>), whereas section 6.1.4 b) of the By-law permits a total maximum ground floor area of 92.9 m<sup>2</sup> (1,000 ft<sup>2</sup>) for a lot this size; and
2. A total accessory building lot coverage of 12.6%, whereas section 6.1.4 a) of the By-law permits a maximum total lot coverage of 10% for accessory buildings.

The proposed structure would meet all other height and building setbacks.



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

*Jameson Pickard*  
Jameson Pickard  
Planner



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*)

March 31, 2017

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

ATTENTION: Darren Jones, CBO

Dear Mr. Jones,

RE: Proposed Minor Variance A03/17  
790 Waterloo Street  
Roll No. 234900000603303  
Part Park Lot 9  
Geographic Town of Mount Forest  
Township of Wellington North (McGaughey and Jones)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this proposal in accordance with the SVCA's mandate and policies. The purpose and effect of the application is to provide relief from the maximum floor area and maximum lot coverage for a proposed accessory structure. The proposed minor variance is acceptable to Authority staff, and the following comments are offered.

#### **Natural Hazard**

In the opinion of SVCA staff the property is not affected by natural hazard features. Furthermore, the property is not designated as Core Greenlands or Greenlands in the Wellington County Official Plan (OP) and is not zoned Natural Environment (NE) in the Township of Wellington North Zoning By-law 66-01.

#### **Natural Heritage Features**

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

#### Significant Wildlife Habitat

While there is no County-wide mapping of 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



**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



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habitat, unless it has been demonstrated that there will be no negative impacts to the habitat or its ecological functions. Nevertheless, it is the opinion of SVCA staff that the likelihood that significant wildlife habitat exists on the property is low, and the potential impacts to significant wildlife habitat as a result of the proposed minor variance would be negligible. Therefore in the opinion of SVCA staff the preparation of an Environmental Impact Study (EIS) regarding significant wildlife habitat is not warranted for this proposal.

#### Significant Habitat of Endangered or Threatened Species

It has come to the attention of SVCA staff that habitat of endangered or threatened species may be located on or on the 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 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**

The property is not subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). An SVCA Permit will not be required for the construction of the proposed accessory structure on the property.

#### **Conclusion**

All of the plan review functions have been assessed with respect to the application. The proposed minor variance is acceptable to SVCA staff. The SVCA would appreciate receiving a copy of the decision. 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

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cc: Karen Wallace, Clerk, Township of Wellington North (via email)  
Steve McCabe, Authority Member, SVCA (via email)  
Christopher McGaughey and Noelle Jones, owners (via email)