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Committee of Adjustment

Tuesday, May 22nd, 2018

7:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

AGENDA ITEM	PAGE NO.
<u>CALLING TO ORDER</u>	
- Chairman Lennox	
<u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u>	
<u>MINUTES OF PREVIOUS MEETING(S)</u>	
Committee of Adjustment, February 26 th , 2018 (A08-18 and A09-18)	1
<u>APPLICATION A10-18</u>	
<u>OWNERS/APPLICANT</u>	
- Rita Klingenmaier	
<u>LOCATION OF THE SUBJECT LAND</u>	9
The location of the subject property is described as Part Lot 20, Concession 10 (geographic Township of Arthur), with a civic address of 8891 Concession 11. The subject land is approximately 0.9 ha (2.2 ac). The location of the property is shown on the map attached.	

AGENDA ITEM	PAGE NO.
<p data-bbox="186 279 1026 317"><u>PURPOSE AND EFFECT OF THE APPLICATION</u></p> <p data-bbox="186 359 1273 646">The purpose and effect of the application is to provide relief from the maximum floor area requirements for an accessory structure to recognize an existing 285 m² (3,067 ft²) drive shed on the subject lands. This relief is to satisfy a condition of consent application B170/17, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a 40.5 ha (100 ac) agricultural parcel and merge it with an abutting agricultural parcel. The retained parcel is 0.9 ha (2.2 ac) and contains the existing dwelling and drive shed.</p> <p data-bbox="186 688 662 726"><u>SECRETARY TREASURER</u></p> <p data-bbox="186 768 1273 873">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 May 11th, 2018.</p> <p data-bbox="186 915 506 953"><u>PRESENTATIONS</u></p> <p data-bbox="186 995 980 1058">Linda Redmond, Manager of Planning and Environment - See attached comments</p> <p data-bbox="186 1100 1075 1138"><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></p> <p data-bbox="235 1180 370 1213">- None.</p> <p data-bbox="186 1255 863 1293"><u>REQUEST FOR NOTICE OF DECISION</u></p> <p data-bbox="186 1335 1273 1398">Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p data-bbox="186 1440 850 1524"><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></p> <p data-bbox="186 1566 1273 1629">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="186 1671 1273 1734">Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p data-bbox="186 1776 1075 1814"><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></p>	<p data-bbox="1360 936 1399 970">10</p>

AGENDA ITEM	PAGE NO.
<p><u>APPLICATION A12-18</u></p> <p><u>OWNERS/APPLICANT</u></p> <ul style="list-style-type: none">- William and Shirley Machan <p><u>LOCATION OF THE SUBJECT LAND</u></p> <p>The location of the subject property is described as Part Lot 6, Concession 12, Registered Plan No. 61R-21305 (geographic Township of Arthur), with a civic address of 6804 Sideroad 3 W. The subject land is approximately 0.99 ha (2.44 acres). The location of the property is shown on the map attached.</p> <p><u>PURPOSE AND EFFECT OF THE APPLICATION</u></p> <p>The purpose and effect of the application is to provide relief from the minimum lot area requirements for both the severed and retained parcel. This relief is to satisfy a condition of severance application B134/17, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a vacant 1.1 ac (0.4 ha) parcel from the retained 1.3 ac (0.42 ha) parcel which has an existing dwelling and accessory building.</p> <p><u>SECRETARY TREASURER</u></p> <p>Notices were mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on May 11th, 2018.</p>	12
<p><u>PRESENTATIONS</u></p> <p>Linda Redmond, Manager of Planning and Environment</p> <ul style="list-style-type: none">- See attached comments	13
<p><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></p> <p>Michael Oberle, Environmental Planning Technician, SVCA</p> <ul style="list-style-type: none">- No objection.	15

AGENDA ITEM	PAGE NO.
<p data-bbox="188 285 862 323"><u>REQUEST FOR NOTICE OF DECISION</u></p> <p data-bbox="188 365 1268 432">Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p data-bbox="188 474 850 554"><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></p> <p data-bbox="188 596 1268 663">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="188 705 1268 772">Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p data-bbox="188 821 1073 858"><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></p>	

AGENDA ITEM	PAGE NO.
<p><u>APPLICATION A13-18</u></p> <p><u>OWNERS/APPLICANT</u></p> <ul style="list-style-type: none">- Karl Aitken Carpentry & General Contracting Ltd. <p><u>LOCATION OF THE SUBJECT LAND</u></p> <p>The location of the subject property is described as Part Lot 7 & 8, Registered Plan No. 60R-20624 (geographic Town of Mount Forest), with a civic address of 330 Cork Street, Mount Forest. The subject land is approximately 2347 m² (0.58 acres). The location of the property is shown on the map attached.</p> <p><u>PURPOSE AND EFFECT OF THE APPLICATION</u></p> <p>The purpose and effect of the application is to provide relief from the minimum front yard and minimum interior side yard setback requirements to construct a semi-detached dwelling. The applicants are also requesting relief from the minimum setback requirements to a municipal drain for the semi-detached dwelling. Other variances may be considered where deemed appropriate.</p> <p><u>SECRETARY TREASURER</u></p> <p>Notices were mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on May 11th, 2018.</p>	20
<p><u>PRESENTATIONS</u></p> <p>Linda Redmond, Manager of Planning and Environment</p> <ul style="list-style-type: none">- See attached comments <p><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></p> <p>None.</p> <p><u>REQUEST FOR NOTICE OF DECISION</u></p> <p>Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p>	21

AGENDA ITEM	PAGE NO.
<p data-bbox="188 279 850 359"><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></p> <p data-bbox="188 401 1266 470">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="188 512 1266 581">Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p data-bbox="188 625 1073 663"><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></p> <p data-bbox="188 711 480 749"><u>ADJOURNMENT</u></p>	

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, FEBRUARY 26, 2018 – 7:00 P.M.
A08/18 AND A09/18**

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

Members Present:

**Chairman: Andrew Lennox
Sherry Burke
Lisa Hern
Dan Yake**

Absent:

Steve McCabe

Staff Present:

Director of Legislative Services/Clerk:	CAO: Michael Givens
Deputy Clerk:	Karren Wallace
Director of Finance and Treasury:	Catherine Conrad
Economic Development Officer:	Adam McNabb
Fire Chief:	Dale Small
Senior Planner:	David Guilbault
	Curtis Marshall

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 2018-13

Moved by: Member Yake

Seconded by: Member Hern

THAT the Committee of Adjustment meeting minutes of February 12, 2018 – A01/18, A02/18, A03/18, A04/18, A05/18, A06/18 and A07/18 be adopted as presented.

CARRIED

APPLICATION A08/18

Owners/Applicant: Paul Duxbury and Christine Deforest

The location of the subject property is described as Lot 30, Concession 3 Registered Plan 60R-3473 (geographic Township of West Garafraxa), with a civic address of 7377 Second Line. The subject land is approximately 0.4 ha (0.98 acres).

The purpose and effect of the application is to provide relief from the maximum floor area requirements for an accessory structure. The applicants are proposing to construct a new detached garage for storage that exceeds the permitted size. Other variances may be considered where deemed appropriate.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and signage posted on the subject property on February 15, 2018 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed comments prepared by the County of Wellington Planning and Development Department, dated February 20, 2018.

The Committee was advised the comments were formulated without the benefit of a site visit.

Planning Opinion As request, the variance would provide relief from the maximum floor area requirements for an accessory building on the subject property. The applicants are proposing to construct a new detached garage for storage which when combined with the existing garden shed exceed the maximum permitted size.

The Planner had 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: is described as Lot 30, Concession 3 R 60R-3473 (geographic Township of West Garafraxa), with a civic address of 7377 Second Line. The subject land is approximately 0.4 ha (0.98 acres) with an existing single dwelling and garden shed.

PROPOSAL

The purpose of this application is to provide relief from the maximum floor area requirements for an accessory building on the subject property. The applicants are proposing to construct a new 116.5 m² (1255 ft²) detached garage for storage in addition to the existing garden shed that when combined exceeds the maximum permitted size by 35.5 m² (383 ft²).

WELLINGTON COUNTY OFFICAL PLAN The subject property is designated PRIMARY 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), which permits accessory uses. The applicant is proposing to construct a detached accessory building to store their motor home and replace the truck trailer, which is to be removed from their property. There is an existing 11.89m² (128 ft²) garden shed, which is included in the lot coverage for all accessory buildings on the lot. The following relief is requested:

Single Detached Dwelling	Required	Proposed	Difference
Maximum Lot Coverage for all Accessory Buildings (Section 6.1.4)	93m ² (1000 ft ²)	128.5 m ² (1383 ft ²)	35.5 m ² (383 ft ²)

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

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.

The applicants were present to answer any questions regarding their application. The applicants confirmed that the total size requested is for the proposed garage (1,255 ft²) and the garden shed (128 ft²).

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

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

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions from the Committee.

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

RESOLUTION NUMBER CoA 2018-14

Moved by: Member Hern

Seconded by: Member Yake

THAT the minor variance applied for in Application A08/18, for the property described as Part Lot 30, Concession 3, RP 60R-3473, geographic West Garafraxa (7377 Second Line) to provide the following relief:

1. *THAT a total ground floor area for accessory structures of 128.5 m² (1383 ft²) be permitted, whereas section 6.1.4. of the By-law permits a total maximum ground floor area of 93 m² (1000 ft²) for personal use only and not for commercial purposes.*

be authorized.

CARRIED

APPLICATION A09/18

Owners/Applicant: Donald Weber

The location of the subject property is described as Lot 10, Concession 2 (geographic Township of West Luther), with a civic address of 8487 Wellington Rd 16. The subject land is approximately 20.23 ha (50 acres).

The purpose and effect of the application is to provide relief from the Minimum Distance Separation 2 (MDS 2) setback requirements. The applicant is proposing a new barn and manure storage area and cannot meet the minimum distance required to the surrounding Type A uses. Other variances may be considered where deemed appropriate.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and signage posted on the subject property on February 15, 2018 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed comments prepared by the County of Wellington Planning and Development Department, dated February 20, 2018.

The Committee was advised that these comments were formulated without the benefit of a site visit.

Planning Opinion The variance requested would permit the construction of a new swine barn and manure storage tank. The location of the proposed barn and manure storage does not meet the minimum distance separation (MDS II) from the surrounding Type A uses. MDS II is not achievable on this property due to the shallow depth of the lot resulting in limited location for the proposed barn and the applicants desire to keep the barn in close proximity to the farmhouse.

The Planner has no concerns with the relief requested for the new barn and manure storage. The location of the proposed new barn and manure storage provides operational efficiency. The structures are proposed to be built to the rear of the subject property while minimizing impact on the agricultural field. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is minor, desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The location of the subject land is described as Lot 10, Concession 2 (geographic Township of West Luther), with a civic address of 8487 Wellington Rd 16. The subject land is approximately 20.23 ha (50 acres) with a single family dwelling and shed.

PROPOSAL

The purpose of the application is to provide relief from the Minimum Distance Separation 2 (MDS 2) setback requirements. The applicant is proposing a new barn and manure storage tank and cannot meet the minimum distance required to the surrounding Type A uses.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is within an area of prime agricultural land. New or expanding livestock facilities shall comply with the minimum distance separation formulae. Guideline #37 of the MDS Implementation Guidelines outlines ...schools to primarily serve a community which relies on horse-drawn vehicles as a predominate mode of transportation shall be considered as Type A land uses for the purpose of both MDSI and MDSII. Planning Staff understand that the parochial school located at 8476 Wellington Road 16 meets this guideline and therefore may be considered a Type A land use. Guideline #43 of the MDS Implementation Guidelines outlines that minor variances to MDS II distances can be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS II, or mitigate environmental impacts, may warrant further consideration

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and GREENLANDS. The proposed barn is outside the GREENLANDS Significant

Wooded Area. In Prime Agricultural Areas, all types, sizes and intensities of agricultural uses and normal farm practices will be promoted and protected in accordance with provincial standards. Furthermore, 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). The location of the proposed new barn and manure tank does not meet the minimum distance separation (MDS II) from the surrounding Type A uses. In order to keep the proposed barn and manure tank away from neighbours across the street and out of the farmed area, but also in proximity to the farm dwelling on the lot, the proposed location is appropriate. Planning Staff note that the applicant has requested for MDS II setbacks to the property line of the parochial school rather than the existing school building. The requirements under the MDS Guidelines for a Type A use request for a setback to the existing building as appose to the property line. The following relief is required:

8476 WCR 16 Lutherwood Parochial School	Required	Proposed	Difference
New Swine Barn MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	342 m (1,124 ft.)	259 m (850 ft.)	83 m (274 ft.)
Manure Storage Tank MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	408 m (1,339 ft.)	290 m (950 ft.)	118 m (289 ft.)

8492 WCR 16 Weber House	Required	Proposed	Difference
New Swine Barn MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	342 m (1,124 ft.)	256 m (840 ft.)	86 m (284 ft.)
Manure Storage Tank MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	408 m (1,339 ft.)	256 m (840 ft.)	152 m (499 ft.)

CORRESPONDENCE/COMMENTS RECEIVED

- None

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.

The applicant was present to answer any questions regarding their application.

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

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

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions from the Committee.

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

RESOLUTION NUMBER CoA 2018-15

Moved by: Member Yake

Seconded by: Member Hern

THAT the minor variance applied for in Application A09/18, for the property described as Part Lot 10, Concession 2, Geographic West Luther (8487 Wellington Road 16), to provide the following relief:

- 1. THAT an MDS II Setback to a Type A Land Use of 256 m (840 ft.) for a new swine barn be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 342 m (1,124 ft.).*
- 2. THAT an MDS II Setback to a Type A Land Use of 256 m (840 ft.) for a manure tank be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 408 m (1,339 ft.).*

be authorized:

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2018-16

Moved by: Member Hern

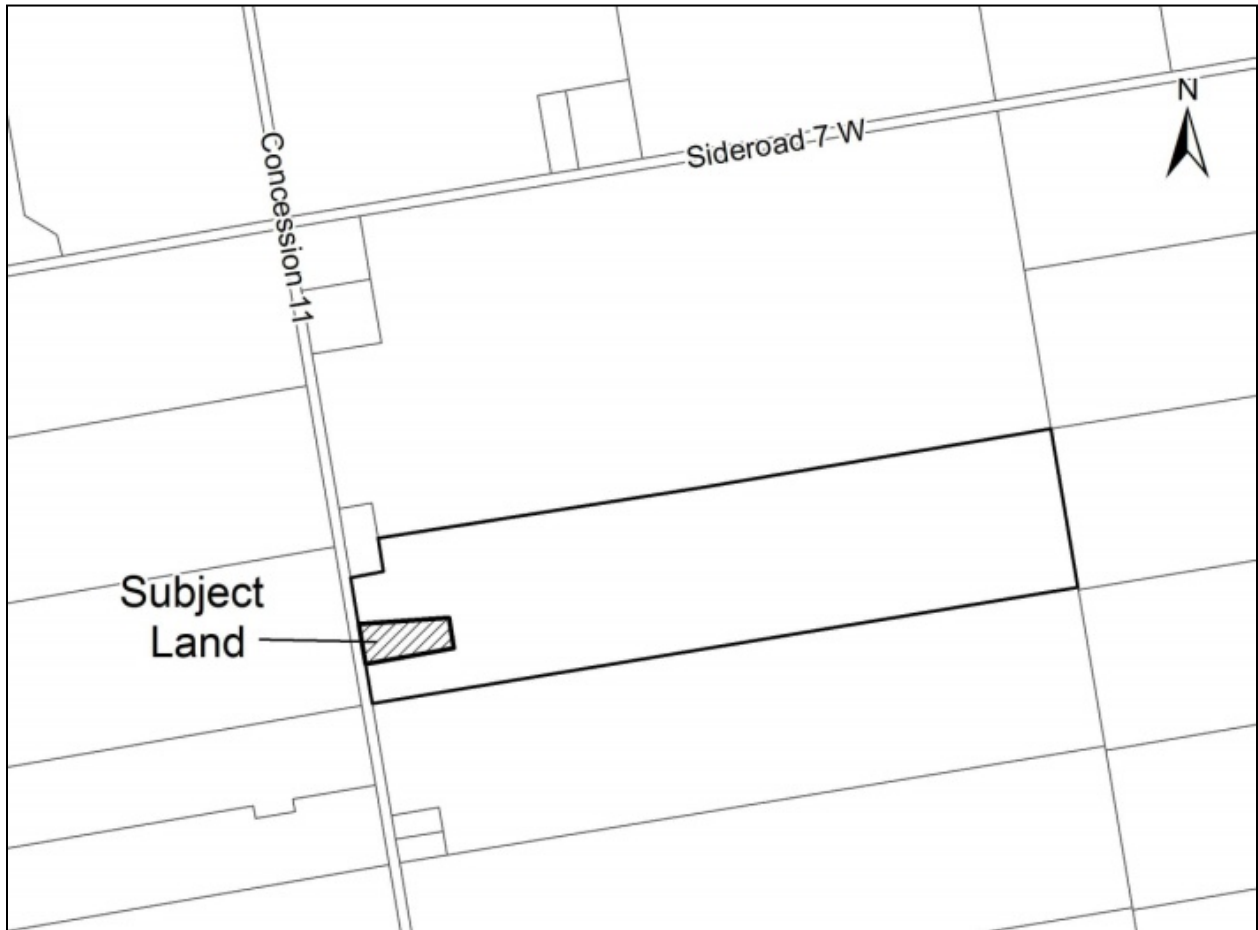
Seconded by: Member Yake

THAT the Committee of Adjustment meeting of February 26, 2018 be adjourned at 7:46 p.m.

CARRIED

Secretary Treasurer

Chair



A10-18 – Rita Klingenmaier



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
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ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

May 15, 2018

Mr. Darren Jones, Chief Building Official
Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

Re: **Minor Variance Application A10/18**
Part Lot 20, Concession 10
8891 Concession 11, Arthur
Rita Klingenmaier C/O Bob Janzen

We have reviewed the application for minor variance and provide the following comments. Please be advised that these comments were formulated without the benefit of a site visit.

Planning Opinion: The variance requested is to provide relief for an increased floor area of an accessory structure on the property. The applicant is requesting permission to recognize the existing 285 m² (3067 ft²) drive shed, where the by-law permits a 102.2 m² (1,100 ft²) accessory structure on the proposed new lot size. This variance is a condition of consent application B170/17, that was granted provisional approval by the Wellington County Land Division Committee.

We 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.

If approved, the Committee may wish to apply conditions to address the following:

1. That the accessory structure cannot be used for business purposes or habitation.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Part Lot 20, Concession 10 (geographic Township of Arthur), with a civic address of 8891 Concession 11. The subject land is approximately 0.9 ha (2.2 acres). The location of the property is shown on Figure 1 below.

PROPOSAL

The purpose of this application is to provide relief for an increased floor area of an accessory structure on the property. The applicant is requesting permission to recognize the existing 285 m² (3067 ft²) drive shed. This variance is a condition of severance application B170/17, that was granted provisional

approval by the Wellington County Land Division Committee. The Consent will sever a 40.5 ha (100 ac) agricultural parcel and merge it with an abutting agricultural parcel. The retained parcel is 0.9 ha (2.2 ac) and contains the existing dwelling and drive shed.

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.



Figure 1: Aerial Photo

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Agricultural (A). The applicants are proposing to recognize the existing drive shed as a condition of consent application. The proposed retained lot is 0.9 ha (2.2 ac) which allows for a 112.2 m² (1,100 ft²) accessory building, where there is an existing 285 m² (3067 ft²) drive shed on the lot. The drive shed is set behind the main dwelling on the lot and is set back from neighboring properties in the area. There are trees along the edge of the building which screen it from the road.

The variance requested would provide relief from Section 6.1.4 b) of Zoning By-law 66-01 to allow for an increased ground floor area of 285 m² (3067 ft²) for an accessory structures, where the by-law permits 112.2 m² (1100 ft²) on a 0.9 ha (2.2 ac) lot.

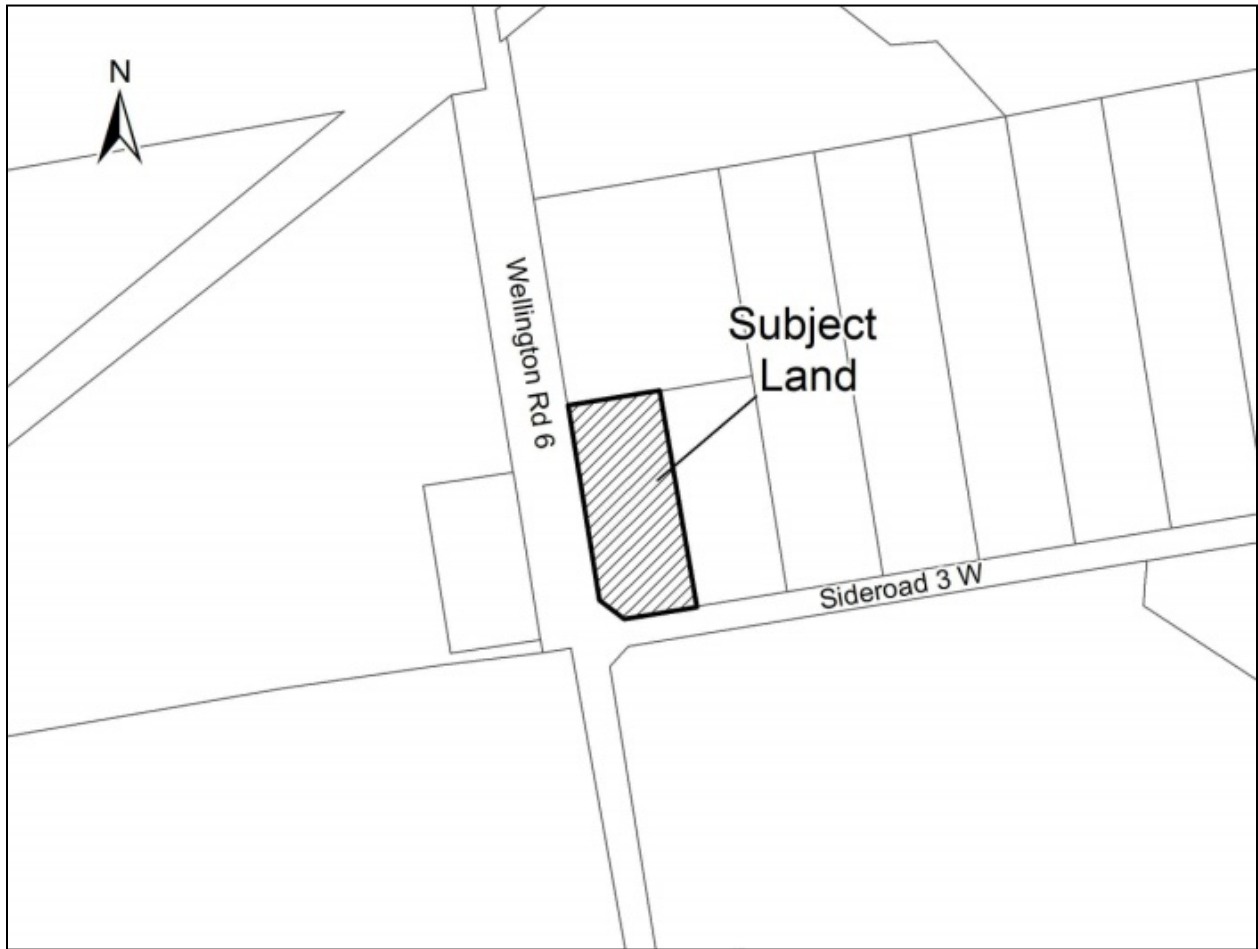
Accessory Structure	Permitted	Proposed	Difference
Existing Accessory Structure			
Maximum Ground Floor Area (Section 6.1.4 b)	102.2 m ² (1100 ft ²)	285 m ² (3067 ft ²)	182.8 m ² (1967 ft ²)

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

Yours truly,

Jessica Wilton, Junior Planner

Curtis Marshall, MCIP, RPP, Senior Planner



A12-18 – William and Shirley Machan



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR
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ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

May 15, 2018

Mr. Darren Jones, Chief Building Official
Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

Re: **Minor Variance Application A12/18**
Part Lot 6, Concession 12
6804 Sideroad 3 W, Arthur
William & Shirley Machan

We have reviewed the application for minor variance and provide the following comments. Please be advised that these comments were formulated without the benefit of a site visit.

Planning Opinion: The variances being requested would provide relief from the minimum lot area requirements for both the severed and retained parcel. This relief is to satisfy a condition of severance application B134/17, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a vacant 0.45 ha (1.1 ac) parcel from the retained 0.52 ha (1.3 ac) parcel which has an existing dwelling and accessory building.

We 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 location of the subject property is described as Part Lot 6, Concession 12 (geographic Township of Arthur), with a civic address of 6804 Sideroad 3 W. The subject land is approximately 0.97 ha (2.4 ac). The location of the property is shown on Figure 1 below.

PROPOSAL

This proposal is to provide relief from the minimum lot area requirements for both the severed



and retained parcel. This relief is to satisfy a condition of severance application B134/17, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a vacant 0.45 ha (1.1 ac) parcel from the retained 0.52 ha (1.3 ac) parcel which has an existing dwelling and accessory building.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated County Residential within the 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.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Estate Residential (ER) Zone. Section 14.2.1 of the by-law outlines minimum lot area requirements for Estate Residential zones. The applicants are proposing to sever the lot and create two undersized lots within the ER Zone. The new lot will maintain the minimum lot frontage requirements within the ER zone and the existing dwelling maintains the minimum setback and lot coverage requirements. A 1.0 acre parcels is large enough to accommodate appropriate well and septic for a single detached dwelling therefore we have no concerns with this reduced lot areas.

The variance requested would provide relief from Section 14.2.1 of Zoning By-law 66-01 to allow for a reduced minimum lot area for both the severed 0.45 ha (1.1 ac) and retained 0.52 ha (1.3 ac) parcel where the by-law requires 0.8 ha (2 ac) within the Estate Residential Zone.

	Required	Proposed	Difference
Minimum Lot Area (Retained) (Section 14.2.1)	0.8 ha (2 ac)	0.52 ha (1.3 ac)	0.28 ha (0.7 ac)
Minimum Lot Area (Severed) (Section 14.2.1)	0.8 ha (2 ac)	0.45 ha (1.1 ac)	0.35 ha (0.9 ac)

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

Yours truly,



 Jessica Wilton, Junior Planner



 Curtis Marshall, MCIP, RPP
 Senior 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)

May 15, 2018

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

ATTENTION: Darren Jones, Chief Building Official

Dear Mr. Jones,

RE: Proposed Minor Variance A12/18
6804 Sideroad 3W
Roll No.: 234900000911110
Part Lot 6, Concession 12, Part 1 Plan 60R2430
Geographic Township of Arthur
Township of Wellington North

(Machan)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the proposed minor variance in accordance with the SVCA's mandate, and the SVCA Environmental Planning and Regulations Policies Manual, Approved May 16, 2017. According to The Township of Wellington North Notice of a Public Hearing of Application for Minor Variance, the application is to provide relief from the minimum lot area requirements for both the severed and retained parcel. This relief is to satisfy a condition of severance application B134/17, that was granted provisional approval by the Wellington County Land Division Committee.

Authority staff provided comments to the County of Wellington dated November 27, 2017 regarding the associated application for consent B134/17. Please refer to that letter, which has been enclosed for ease of reference, for more details on the property. SVCA staff do not have updated comments regarding this application. The proposed minor variance is acceptable to SVCA staff.

The SVCA would appreciate receiving notice of the decision to the above referenced planning application.

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

Sincerely,

Michael Oberle



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

Township of Wellington North
Proposed Minor Variance A12/18 (Machan)
May 15, 2018
Page 2 of 2

Environmental Planning Technician
Saugeen Conservation

MO\

Enclosure

cc: Karren Wallace, Clerk – Township of Wellington North (via email)
David Machan, agent (via email)
Steve McCabe, Authority Member, SVCA (via email)



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 (*debt@wellington.ca*)

November 27, 2017

County of Wellington Planning and Land Division Committee
Wellington County Administration Centre
74 Woolwich Street
Guelph, Ontario
N1H 3T9

ATTENTION: Deborah Turchet, Secretary – Treasurer

Dear Ms. Turchet,

RE: Application for Consent B134/17
6804 Sideroad 3W
Roll No.: 234900000911110
Part Lot 6, Concession 12, Part 1 Plan 60R2430
Geographic Township of Arthur
Township of Wellington North

(Machan)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the application for consent in accordance with the SVCA's mandate, the SVCA Environmental Planning and Regulations Policies Manual, Approved May 16, 2017, and the Memorandum of Agreement between the Authority and County of Wellington related to plan review. The proposed severance is 1.1 acres, vacant land for proposed residential use. The application is a re-submission of lapsed application B52/05. The retained parcel is 1.3 acres, existing and proposed rural residential use with existing house and three sheds. The application for consent is acceptable to SVCA staff, and the following comments are offered.

Natural Hazard

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

Natural Heritage

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



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Fish Habitat

An unnamed tributary of Bell's Creek (Bethel Creek) flows through lands adjacent to the north east of the property, and is considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological function. In the opinion of SVCA staff, the property is located within the adjacent lands to fish habitat. However, it is the opinion of SVCA staff that impacts to the adjacent lands to fish habitat will be negligible. Therefore, in the opinion of SVCA staff, the preparation of an Environmental Impact Study (EIS) to address the adjacent lands to fish habitat would serve no useful purpose.

Significant Woodlands

Significant woodlands have been included in the Core Greenlands and Greenlands designation and shown on Schedule A6-Wellington North of the Wellington County OP. Significant woodlands are located on lands adjacent to the north of the property. However, in the opinion of SVCA staff, impacts to significant woodlands or their adjacent lands will be negligible as part of this proposal. Therefore, in the opinion of SVCA staff, the completion of an EIS to address significant woodlands or their adjacent lands is not warranted for this proposal.

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 habitat, unless it has been demonstrated that there will be no negative impacts to the habitat or its ecological functions. However, in the opinion of SVCA staff, an EIS is not necessary, as SVCA staff does not anticipate any measureable negative impacts to significant wildlife habitat resulting from this proposal.

Significant Habitat of Endangered Species or Threatened Species

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

SVCA Regulation

The eastern portion of the property is within the SVCA's Approximate Screening Area associated with the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act*, R.S.O, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a wetland or watercourse.

“Development” and Alteration

Subsection 28(25) of the *Conservation Authorities Act* defines “development” as:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind,*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure increasing the number of dwelling units in the building or structure,*
- c) *site grading, or*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere*

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

To determine the SVCA’s Approximate Screening Area, associated with our Regulation on the property, please refer to the SVCA’s online mapping program, available via the SVCA’s website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

Permission for Development or Alteration

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

Conclusion

All of the plan review functions listed in the Agreement have been assessed with respect to the application. The application for consent is acceptable to SVCA staff.

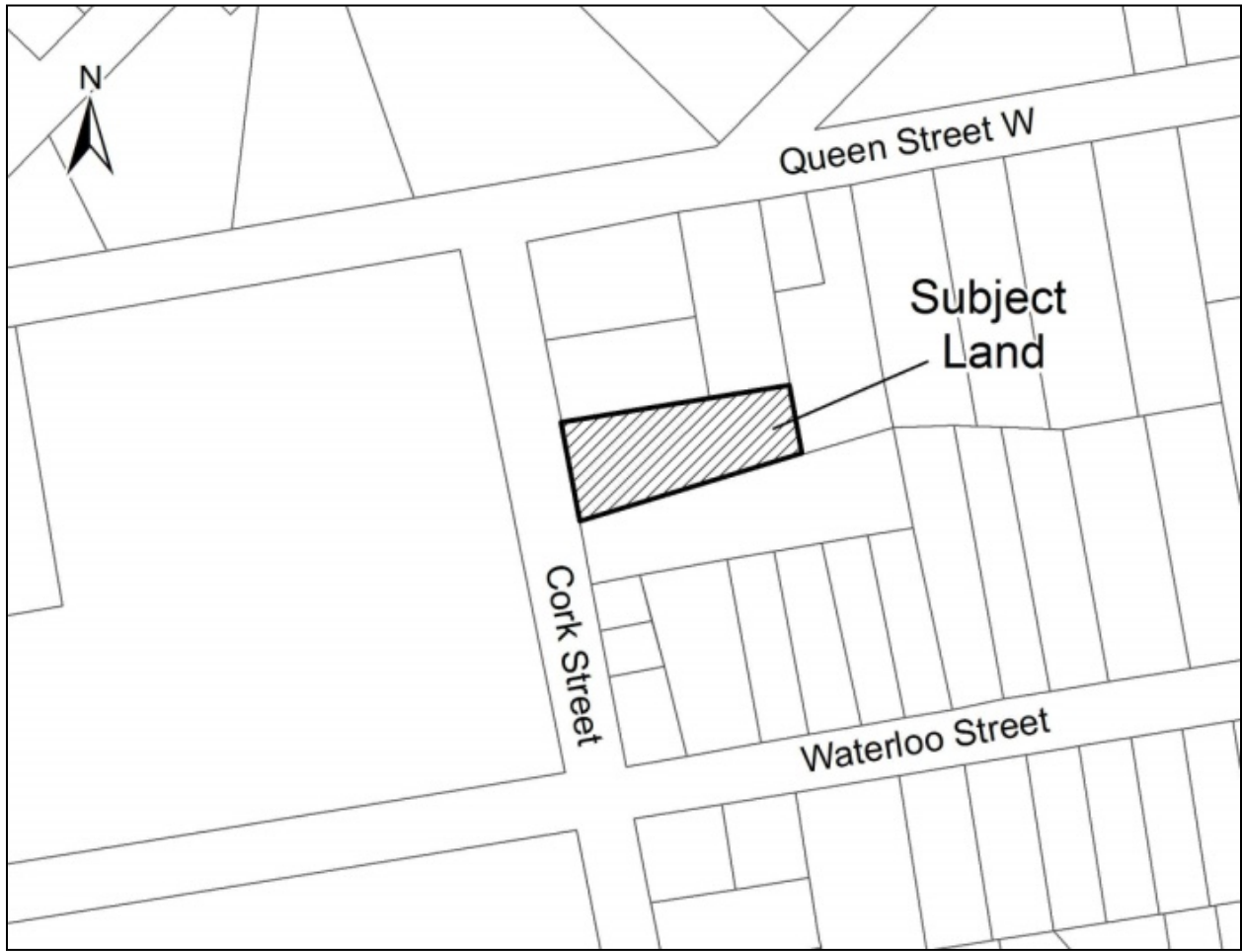
We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO\

cc: Jana Poechman, Wellington County (via email)
Karren Wallace, Clerk – Township of Wellington North (via email)
William and Shirley Machan, owners (via email)
Steve McCabe, Authority Member, SVCA (via email)



A13-18 – Karl Aitken Carpentry & General Contracting Ltd



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

May 15, 2018

Mr. Darren Jones, Chief Building Official
Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

Re: **Minor Variance Application A13/18**
Part Lot 7 & 8, Registered Plan No. 60R-20624
330 Cork Street, Mount Forest
Karl Aitken Carpentry & General Contracting Ltd.

We have reviewed the application for minor variance and provide the following comments. Please be advised that these comments were formulated without the benefit of a site visit.

Planning Opinion The variance requested would provide relief from the minimum setback requirements to the top of bank of a watercourse that is not situated within the Natural Environment Zone. The applicant is proposing to construct a new semi-detached dwelling with a reduced setback of 10.4 m (34.1 ft) to the top of bank, where the required setback is 15 m (49.2 ft).

We 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 provided that Saugeen Valley Conservation Authority has no concerns with the request. The proposed semi-detached dwelling would be desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Part Lot 7 & 8, Registered Plan 60R-20624 (geographic Town of Mount Forest), with a civic address of 330 Cork Street. The subject land is approximately 2347 m² (0.58 ac). The location of the property is shown on Figure 1.

PROPOSAL

The purpose of this application is to provide relief from the minimum setback requirements to the top of bank of a watercourse that is not situated within the Natural Environment Zone.

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.



Figure 1: Aerial Photo

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

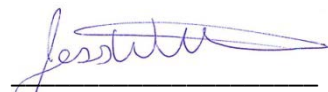
The subject property is zoned Medium Density Residential (R2), which permits semi-detached residential dwellings. The applicant is proposing to construct a semi-detached dwelling on the vacant parcel with a reduced setback to the top of bank of a watercourse. The 10.4 m should provide an adequate setback from the drainage channel. The committee should consider any applicable comment of the Saugeen Valley Conservation Authority.

The variance requested would provide relief from Section 6.20.2 c) of Zoning By-law 66-01 to construct a semi-detached dwelling with a reduce setback of 10.4 m (34.1 ft) to the top of bank of a watercourse not situated within the Natural Environment Zone where the by-law requires 15 m (49.2 ft).

Semi-Detached Dwelling	Required	Proposed	Difference
Municipal Drain and Watercourse Setbacks (Section 6.20.2 c)	15 m (49.2 ft)	10.4 m (34.1 ft)	4.6 m (15.1 ft)

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

Yours truly,



 Jessica Wilton, Junior Planner



 Curtis Marshall, MCIP, RPP
 Senior Planner