

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A1/13 and A4/13

The Committee of Adjustment met on Monday, June 17, 2013 at the Kenilworth Municipal Office, at 7:00 p.m.

Members Present: **Chairman: Raymond Tout**
Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake

Also Present: **Secretary-Treasurer, Catherine More**
Executive Assistant, Cathy Conrad
Township Planner, Linda Redmond
Planner, Jameson Pickard

1. The Chairman called the meeting to order.

2. Disclosure of Pecuniary Interest and General Nature Thereof

 None Reported

3. Minutes

Moved by: Councillor Lennox
Seconded by: Councillor Yake

THAT the Committee of Adjustment meeting minutes of May 13, 2013 – A2/12 be adopted as presented.

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Applications A1/13 and A4/13 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

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APPLICATION A1/13

Owners/Applicant: 1576881 Ontario Ltd. and 1271084 Ontario Ltd.

THE LOCATION OF THE SUBJECT PROPERTY is described as lot 71, Parts 2, 3 and 4, Plan 60R-2492, with civic addresses of 207 Frederick Street (Parcel A) and 277 Francis Street (Parcel B). Both Parcels A and B have respective variances which apply to them; and both parcels are approximately 0.2 ha (0.39ac) in size.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from section 13.2.3.6 of the Wellington North Zoning By-law regulating the minimum rear yard setback. The property received provisional consent from the County Land Division Committee to split an existing parcel in two, resulting in two lots subject to conditions. Variances to allow for reduced rear yard setbacks of 2.9m (Parcel A) and 2.8m (Parcel B) is required in order to facilitate this condition.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on May 23, 2013 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed her comments dated May 21, 2013.

The variances requested would provide relief from sections 13.2.3.6 of the Zoning By-law to allow a reduced rear yard setback.

The Planner had no concerns with the relief requested at this time. This variance will satisfy a condition of provisional approval for consent application B149/12. This application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property.

Under the Wellington County Official Plan the subject property is designated Residential in the Urban centre of Arthur. 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.

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Under the Wellington North Zoning By-law the subject lands are zoned High Density Residential (R3). The property received provisional approval from the County Land Division Committee to split an existing parcel in two, resulting in two lots with areas of a 1,607sq.m (parcel A) and 1,618 sq.m (parcel B) each with an existing 6 unit 3 storey building, lots subject to conditions. As such, the following relief is required:

1. To allow a reduced rear yard setback 2.8 m (Parcel A), whereas 7.6m is required, and;
2. To allow a reduced rear yard setback of 2.9 m (Parcel B), whereas 7.6 m is required.

6. Correspondence/Comments received:

- Nathan Garland, Resource Planner, GRCA
- No objection

7. Questions/Comments

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

Jeff Buisman, agent for the applicant, was present to answer any questions regarding 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: Councillor Lennox

Seconded by: Councillor Yake

THAT the minor variance applied for in Application A1/13 be authorized.

Resolution No.

Carried

APPLICATION A4/13

Applicant: Edward Earl Watt

THE LOCATION OF THE SUBJECT PROPERTY is described as Part 1, Plan 61R-7408, with a civic address of 250 Francis Street East. The lands subject to the variance is approximately 0.5 ha (1.28 ac.) in size and is currently vacant.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from section 11.2.3 of the Wellington North Zoning By-law regulating the minimum front yard setback. The property received provisional approval from the County Land Division Committee to create five residential lots subject to conditions. The Conservation Authority is requiring as a condition, that the building envelopes be located at the top of bank of the Conestoga River floodplain. A variance to allow a reduced front yard setback of 4.5m is required in order to facilitate this condition.

8. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on May 23, 2013 as well as posted on the property.
9. Linda Redmond, Township Planner, reviewed her comments dated April 26, 2013.

The variances requested would provide relief from sections 11.2.3 of the Zoning By-law to allow a reduced front side yard setback.

The Planner had no concerns with the relief requested at this time. This variance will satisfy a condition of provisional approval for consent applications B131/12 to B135/12. This application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property.

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Under the 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.

Under the Wellington North Zoning By-law the subject lands are zoned Holding single family Residential (R1C- H). The property received provisional approval from the County Land Division Committee to create five residential lots subject to conditions. The Conservation Authority is requiring as a condition, that the building envelopes be located at the top of bank of the Conestoga River floodplain. As such, the following relief is required:

1. To allow a reduced front yard setback of 4.5m, whereas 7.6m is required.

10. Correspondence/Comments received:

- Pasquale Costanzo, Engineering Technologist, County of Wellington
Engineering Services
- No objection

11. Questions/Comments

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

Brian Beatty, Planner with Black Shoemaker Robinson & Donaldson Limited, agent for the applicant, commented that he is in agreement with Township Planner's comments regarding the building envelope. He stated that he believed the application met the 4 tests for minor variance.

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

None

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

Committee – Comments and Questions

None

Moved by: Councillor Lennox

Seconded by: Councillor Yake

THAT the minor variance applied for in Application A4/13 be authorized.

Resolution No. 3

Carried

12. Adjournment (7:11 p.m.)

Moved by: Councillor Yake

Seconded by: Councillor Lennox

That the Committee of Adjustment meeting of June 17, 2013 be adjourned.

Resolution No. 4

Carried

Secretary Treasurer

Chairman