



Township of Wellington North

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

Committee of Adjustment

Monday, June 17th, 2013 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

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AGENDA ITEM	PAGE NO.
Chairman	
1. Officially open the public meeting.	1
2. Declaration of Pecuniary Interest and General Nature Thereof.	1
3. Minutes, A2/13 (attached)	2
<u>APPLICATION A1/13</u>	
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 location of the property is shown on the map attached.	
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. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on May 23, 2013 as well as posted on the property.	
5. Application for a Minor Variance	6

AGENDA ITEM	PAGE NO.
6. Township Planner – Linda Redmond will review the County comments (attached).	27
7. Correspondence/Comments received: <ul style="list-style-type: none">- Nathan Garland, Resource Planner, GRCA- No objection	28
8. Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance? Are there any persons present who wish to make oral and/or written submissions against this application? Those wishing to be notified of decision please leave name and address with secretary-treasurer. Committee: <ul style="list-style-type: none">- Comments and questions	

AGENDA ITEM	PAGE NO.
<p><u>APPLICATION A4/13</u></p> <p>Owners/Applicant: Edward Earl Watt</p> <p>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 location of the property is shown on the map attached.</p> <p>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.</p> <p>9. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on May 23, 2013 as well as posted on the property.</p> <p>10. Application for a Minor Variance attached. Planning Justification Report available upon request.</p> <p>11. Township Planner – Linda Redmond will review the County comments (attached).</p> <p>12. Correspondence/Comments received:</p> <ul style="list-style-type: none"> - Pasquale Costanzo, Engineering Technologist, County of Wellington Engineering Services - No objection <p>13. 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>Those wishing to be notified of decision please leave name and address with secretary-treasurer.</p>	<p>32</p> <p>38</p> <p>39</p>

AGENDA ITEM	PAGE NO.
Committee: <ul style="list-style-type: none">- Comments and questions 14. Adjournment	

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/13

Page Two

APPLICATION A2/13

Applicant: Sandor, Linda, Thomas and Catherine Bedo

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 21, Concession 1, with a civic address of 8808 Wellington Road 14. The property is approximately 5 ha (12 ac.) in size and occupied by a residential dwelling and detached garage. is described as Part Lot 5, with a civic address of 7902 Wellington Road 109 in the Village of Arthur.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from section 6.1.4 of the Wellington North Zoning By-law regulating the maximum ground floor area for an accessory building of a residential use. The applicant is proposing to construct a 360 sq.m (3875 sq.ft.) shed to be used for personal storage which exceeds the maximum allowable ground floor area of 213 sq.m. (2300 sq. ft.) for a lot of 12 acres. The property is located in an Agricultural (A) zone.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on April 30, 2013 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed her comments dated April 24, 2013.

The variance requested would provide relief from the maximum floor area requirement for a detached accessory structure on a residential lot. The applicant is proposing to construct a 360 sq.m (3875 sq.ft.) shed to be used for personal storage. The proposed structure combined with the existing garage creates a combined floor area of 4684.3 sq.ft. The maximum allowable ground floor area permitted for this 12 acres parcel is 213 sq.m. (2300 sq. ft.). The property is located in an Agricultural (A) zone.

The Committee should be satisfied that the 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. Approval of this variance should be conditional that the proposed use of the structure will be for personal storage only and not for commercial or residential purposes except as permitted and regulated under the home industry criteria as outlined in section 6.14.

TOWNSHIP OF WELLINGTON NORTH

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The subject property is designated Prime Agricultural under 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 should 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 Agricultural (A). The applicants are proposing to construct 360.2 sq.m (3877 sq.ft.) accessory structure for storage. The property has an existing 807 sq.ft. detached garage on the property currently. The combined floor area will be 4684.3 sq.ft. The zoning by-law limits the size of all accessory structures on rural residential properties. As such, the following relief is required:

1. To allow a combined area of 435 m² (4684.3 sq.ft) for accessory structures, whereas the by-law allows a maximum of 213 m² (2300 sq.ft.) for all accessory structures.

Section 5.3 of the by-law defines “accessory” as “a use, building or structure which is incidental, subordinate, and exclusively devoted to the main use, building or structure located on the same lot and in the same zone as such use, building or structure and which is not used or intended for use as human habitation unless permitted by the provisions of certain zones of this By-law. The intent of an accessory structure is one which is clearly secondary and devoted to the main permitted use and should not be used for gain or profit or for human habitation.

6. Correspondence/Comments received:

- None received

7. Questions/Comments

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

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/13

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The Applicants and their agent were present to answer any questions regarding the application.

Vince Starratt, solicitor and agent for the applicant, explained that the property had been owned by Sandor Bedo's parents for approximately 30 years. They sold the property and after 10 years the property was recently for sale again. The Bedo's have purchased the property and intend to keep it in the family. They would like to build a storage building for their car and tractor hobby. This is not for retail use, it is strictly for their hobby.

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

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 Yake

Seconded by: Councillor Lennox

THAT the minor variance applied for in Application A2/13 be authorized.

Resolution No. 2

Carried

8. Adjournment (7:09 p.m.)

Moved by: Councillor Yake

Seconded by: Councillor Goetz

That the Committee of Adjustment meeting of May 13, 2013 be adjourned.

Resolution No. 3

Carried





April 24, 2013
Jeff.Buisman@vanharten.com
21026-12

Township Of Wellington North
7490 Sideroad 7 West
PO Box 125
Kenilworth, ON
N0G 2E0

Attention: Darren Jones

Dear Sir:

**Re: Minor Variance Application for 207 Frederick & 277 Francis
207 Frederick Street & 277 Francis Street
Part Lot 71, Southside of Frederick Street, Crown Survey
PIN 71102-0057
Village of Arthur, Township of Wellington North**

Please find enclosed an application for a Minor Variance on the above-mentioned property. Included with this submission are copies of the Minor Variance Sketch, completed application form, relevant property deeds, and a cheque to Wellington North for \$ 750.

Provisional consent has been received for a severance on the subject property. One of the requirements is zoning compliance and we have determined that Minor Variance is required for the rear yard setbacks to the new property line.

Please contact me if you have any questions or comments.

Very truly yours,
Van Harten Surveying Inc.

A handwritten signature in black ink, appearing to read 'Jeff Buisman', is written over a light blue horizontal line.

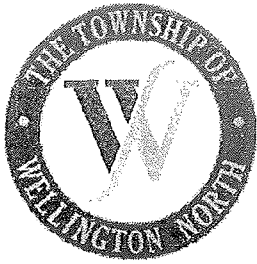
Jeffrey E. Buisman B.E.S, B.Sc.
Ontario Land Surveyor

JEB:lb

c.c. Rick Liscio & Alfredo Morra

423 Woolwich Street, Guelph ON N1H 3X3
Phone: (519) 821-2763 – Fax: (519)-821-2770 www.vanharten.com

660 Riddell Road, Unit 1, Orangeville, ON L9W 5G5
Phone: (519) 940-4110 – Fax: (519) 940-4113



TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: April 26 2013

File Number: A 01 113

Roll # 23-49-000-012-14802-0000

Date Application Filed: _____

Application Fee Received: \$ 750.00

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): 1576881 Ontario Limited & 1271084 Ontario Inc.

Address: c/o Mount Lion Properties, 1 Blackburn Blvd., Woodbridge, L4L 7

Phone: Home () _____ Work (416) 878-3468 Fax 416-726-5117 (CELL)

Email: al@caranconstruction.com

Please note: AUTHORIZATION IS REQUIRED IF THE APPLICANT IS NOT THE OWNER
(See Section G)

b)* Applicant (Agent) Name(s): Jeff Buisman of VanHarten Surveying Inc.

Address: 423 Woolwich Street, Guelph, ON, N1H 3X3

Phone: Home () _____ Work (519) 821-2770x225 Fax () _____

Email: Jeff.Buisman@vanharten.com

c)* Name, Address, Phone No. of all persons having any mortgage charge or encumbrance on the property:
Easement with Wellington North; Easement with Ontario Water Resources Commission.

d) Send Correspondence To: Owner [] Agent [] Other []

Please Note: (A) and (B) refer to the future two properties.

2.* PROVIDE A DESCRIPTION OF THE "ENTIRE" PROPERTY

Measurements are in: Metric [] Imperial [] units

Municipal Address: 207 Frederick Street (A), 277 Francis Street (B)

Concession: _____ Lot: 71 Registered Plan No.: Crown Survey

Area: 1618 Depth: _____ Frontage (Width): 67 Width of Road Allowance (if known): 20.1
(A) (B) 1607 67 20.1

3a).* WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

- i) Provincial Highway [] ii) Seasonally maintained municipal road [] iii) Continually maintained municipal road [] iv) Other public road [] v) Right-of-way [] vi) Water access []

3b).* IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD.

4.* WHAT IS THE CURRENT OFFICIAL PLAN AND ZONING STATUS?
 Official Plan Designation: Urban Centre-Arthur-Residential

Zoning: R3 Residential

B. EXSTING AND PROPOSED SERVICES

5.* INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Water	Private or Communal Water	Private Well	Other Water Supply	Municipal Sewers	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing*	[<input checked="" type="checkbox"/>]	[]	[]	[]	[<input checked="" type="checkbox"/>]	[]	[]	[]
b) Proposed	[]	[]	[]	[]	[]	[]	[]	[]

6. IS STORM DRAINAGE PROVIDED BY: Sewers [] Ditches [] Swales [] Other means []

7. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?
Frederick Street & Francis Street

C. REASON FOR APPLICATION

8.* WHAT IS THE NATURE AND THE EXTENT OF THE RELIEF THAT IS BEING APPLIED FOR?
 (Please specifically indicate on sketch)

To allow a rear yard set back of 2.9(A)/2.8(B) metres versus 7.6 metres as in Section 13.2.1.6

9.* WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE BY-LAW?
 (Please specifically indicate on sketch)

Approved severance B149/12 results in a rear yard of 2.9 metres for one corner of the building to the new property line.

D. EXISTING SUBJECT AND ABUTTING PROPERTY LAND USES, BUILDINGS & THEIR LOCATIONS

10.* WHAT IS THE "EXISTING" USE OF:
 a) THE SUBJECT PROPERTY? Residential

b) THE ABUTTING PROPERTIES? Residential

11.* PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS ON OR PROPOSED FOR THE SUBJECT LAND: Measurements are in Metric [] Imperial [] units FOR (A) & (B)

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Type of Building(s)	<u>3 Storey Resid.</u>		b) Main Building Height	<u>11.4</u>	
c) % Lot Coverage	<u>12%</u>		d) # of Parking Spaces	<u>10</u>	
e) # of Loading Space(s)			f) Number of Floors	<u>3</u>	
g) Total Floor Area (exclude basement)	<u>585</u>		h) Ground Floor Area	<u>195</u>	

12.* WHAT IS THE LOCATION OF ALL BUILDINGS EXISTING AND PROPOSED FOR THE SUBJECT PROPERTY (Specify distances from front, rear and side lot lines)

Measurements are in: Metric [] Imperial [] units

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Front Yard	<u>8.0 (A)</u>	<u>7.9 (B)</u>	b) Side Yards	<u>15/38 for (A) & (B)</u>	
c) Rear Yard	<u>2.9 (A)</u>	<u>2.8 (B)</u>			

13.* DATE OF ACQUISITION OF SUBJECT PROPERTY: March 1, 2012

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: 2005 +/-

14. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY?
Since 2005

15.* HAS THE OWNER PREVIOUSLY APPLIED FOR RELIEF IN RESPECT OF THE SUBJECT PROPERTY
YES [] NO []
IF THE ANSWER IS YES, PLEASE INDICATE THE FILE NUMBER AND DESCRIBE BRIEFLY:

Minor Variance A7/04 for space between apartment buildings.

F. OTHER RELATED PLANNING APPLICATIONS

16.* HAS THE APPLICANT/ OWNER MADE APPLICATION FOR ANY OF THE FOLLOWING ON THE SUBJECT LAND?

Official Plan Amendment	Yes []	No [<input checked="" type="checkbox"/>]
Zoning By-law Amendment	Yes []	No [<input checked="" type="checkbox"/>]
Plan of Subdivision	Yes []	No [<input checked="" type="checkbox"/>]
Consent [Severance]	Yes [<input checked="" type="checkbox"/>]	No []

17.* IF THE ANSWER TO QUESTION 15 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. of Application: COUNTY OF WELLINGTON APPLICATION B149/12

Purpose of Application: TO SEVER THE PROPERTY FOR ONE BUILDING PER PROPERTY

Status of Application: APPROVED SUBJECT TO CONDITIONS

G. AUTHORIZATION FOR AGENT/SOLICITOR TO ACT FOR OWNER:

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

I (we) _____ of the _____ of _____,

County/Region of _____ do hereby authorize **Jeff Buisman** _____ to act as my agent in this application.

Signature of Owner(s) _____ *Date*

H.* AFFIDAVIT: (This affidavit must be signed in the presence of a Commissioner)

I (we) **Jeff Buisman** _____ of the **City** _____ of **Guelph** _____,

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

DECLARED before me at the City _____ of Guelph _____ in the County of Wellington this 24th day of April, 20 13.

Jeff Buisman

Signature of Owner or Authorized Solicitor or Authorized Agent

April 24, 2013

Date

James Michael Laws

Signature of Commissioner
James Michael Laws, a Commissioner,
etc., Province of Ontario, for Van Harten
Surveying Inc. Expires May 11, 2015.

APRIL 24/2013

Date

APPLICATION AND FEE OF \$750.00 RECEIVED BY THE MUNICIPALITY:

[Signature]

Signature of Municipal Employee

April 26 2013

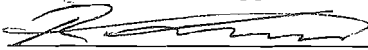
Date

G. AUTHORIZATION FOR AGENT/SOLICITOR TO ACT FOR OWNER:

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

I (we) R. LISCIO 1271084 ONTARIO INC of the CITY of VAUGHAN,
L. MORRA 1576881 ONTARIO LTD of the CITY of TORONTO

County/Region of YORK do hereby authorize Jeff Buisman to act as my agent in this application.


Signature of Owner(s) 1271084 ONTARIO INC
L. MORRA
SIGNATURE 1576881 ONTARIO LTD

APRIL 23 2013
Date
APRIL 23 / 13

H.* AFFIDAVIT: (This affidavit must be signed in the presence of a Commissioner)

I (we) Jeff Buisman of the City of Guelph,

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

DECLARED before me at the _____ of _____ in the County of _____ this _____ day of _____, 20 _____.

Signature of Owner or Authorized Solicitor or Authorized Agent Date

Signature of Commissioner Date

APPLICATION AND FEE OF \$750.00 RECEIVED BY THE MUNICIPALITY:

Signature of Municipal Employee Date

Properties

PIN 71102 - 0057 LT Interest/Estate Fee Simple
 Description PT LT 71 SURVEY CROWN ARTHUR VILLAGE PTS 2, 3 & 4 60R2492; S/T RON85585
 AS AMENDED BY RON86388; S/T DN20026; WELLINGTON NORTH
 Address 207 FREDERICK STREET
 ARTHUR

Consideration

Consideration \$965,000.00

Transferor(s)

The transferor(s) hereby transfers the land to the transferee(s).

Name 642409 ONTARIO LIMITED
 Address for Service c/o D. Hunter,
 284 George Street,
 Arthur, ON N0G 1A0

I, David Hunter, President, have the authority to bind the corporation.
 This document is not authorized under Power of Attorney by this party.

Transferee(s)	Capacity	Share
Name 1576881 ONTARIO LIMITED	Tenants In Common	as to a 50% share and interest
Address for Service 207 FREDERICK STREET ARTHUR		
Name 1271084 ONTARIO INC.	Tenants In Common	as to the remaining 50% share and interest
Address for Service 207 FREDERICK STREET ARTHUR		

STATEMENT OF THE TRANSFEROR (S): The transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR (S): I have explained the effect of the Planning Act to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

Signed By

Robert Gerhard Janzen 197 George St. acting for Signed 2012 03 01
 Arthur Transferor(s)
 N0G 1A0

Tel 5198483916
 Fax 5198482395

I am the solicitor for the transferor(s) and I am not one and the same as the solicitor for the transferee(s).

I have the authority to sign and register the document on behalf of the Transferor(s).

Licio Edward Cengarle 1182 Martin Grove Road acting for Signed 2012 02 27
 Etobicoke Transferee(s)
 M9W 5M9

Tel 4162485505
 Fax 4162482100

I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s).

I have the authority to sign and register the document on behalf of the Transferee(s).

Submitted By

L. E. CENGARLE LAW OFFICE

1182 Martin Grove Road
Etobicoke
M9W 5M9

2012 03 01

Tel 4162485505

Fax 4162482100

Fees/Taxes/Payment

Statutory Registration Fee	\$60.00
Provincial Land Transfer Tax	\$12,950.00
Total Paid	\$13,010.00

File Number

Transferor Client File Number : 7198

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 71102 - 0057 PT LT 71 SURVEY CROWN ARTHUR VILLAGE PTS 2, 3 & 4 60R2492;
S/T RON85585 AS AMENDED BY RON86388; S/T DN20026;
WELLINGTON NORTH

BY: 642409 ONTARIO LIMITED
TO: 1576881 ONTARIO LIMITED Tenants In Common as to a 50% share and interest
1271084 ONTARIO INC. Tenants In Common as to the remaining 50% share and interest

1. LICIO E. CENGARLE

I am

- (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- (c) A transferee named in the above-described conveyance;
- (d) The authorized agent or solicitor acting in this transaction for 1576881 ONTARIO LIMITED AND 1271084 ONTARIO INC. described in paragraph(s) (c) above.
- (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for _____ described in paragraph(s) () above.
- (f) A transferee described in paragraph() and am making these statements on my own behalf and on behalf of _____ who is my spouse described in paragraph() and as such, I have personal knowledge of the facts herein deposed to.

2. I have read and considered the definition of "single family residence" set out in subsection 1(1) of the Act. The land being conveyed herein:

does not contain a single family residence or contains more than two single family residences.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	965,000.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	0.00
(ii) Given Back to Vendor	0.00
(c) Property transferred in exchange (detail below)	0.00
(d) Fair market value of the land(s)	0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	965,000.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	0.00
(i) Other considerations for transaction not included in (g) or (h) above	0.00
(j) Total consideration	965,000.00

PROPERTY Information Record

A. Nature of Instrument: Transfer
LRO 61 Registration No. WC336958 Date: 2012/03/01
B. Property(s): PIN 71102 - 0057 Address 207 FREDERICK STREET Assessment 2349000 -
ARTHUR Roll No 012148020000
C. Address for Service: 207 FREDERICK STREET
ARTHUR
D. (i) Last Conveyance(s): PIN 71102 - 0057 Registration No. WC99762
(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes No Not known
E. Tax Statements Prepared By: Licio Edward Cengarle
1182 Martin Grove Road
Etobicoke M9W 5M9

(1) Registry (2) Page 1 of 4 pages

(3) Property Land Titles Easement Additional Fees Other

(4) Priority Identifiers

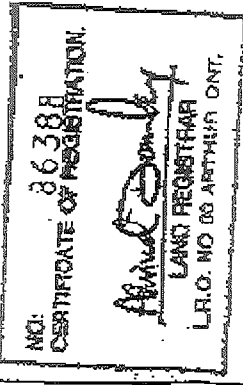
(5) Nature of Document

AMENDING AGREEMENT

(6) Consideration

(7) Description

Part of Lot 71 on the South side of Frederick Street according to the original or Crown Survey of the Village of Arthur, in the County of Wellington, being that part designated as Part Three (3) on Reference P137 50R-2432.



New Property Identifiers

Additional: See Schedule

Executions

Additional: See Schedule

(8) This Document Conveys:

(a) Fee Simple (b) Leasehold (c) Other

(9) This Document is for:

(a) Description (b) Description (c) Other

(10) This Document provides as follows:

SEE SCHEDULE

Continued on Schedule

(11) This Document relates to instrument number(s): **85585**

(12) Party(ies) (Set out status or interest)

Name(s): **ALAIMO, ANGELO**

Signature(s): *Angelo Alaimo*

Date of Signature: **1988-02-15**

(13) Address for Service: **c/o SMITH, JANZEN & ALAIMO, Barristers & Solicitors, 197 George Street, Arthur, Ontario, N0G 1A0**

Name(s): _____

Signature(s): _____

Date of Signature: _____

(14) Municipal Address of Proprietor

Frederick Street, West,
Arthur Ontario,
N0G 1A0

(15) Municipal Address of Proprietor

ANGELA ALAIMO
SMITH, JANZEN & ALAIMO
BARRISTERS
BOX 220, ARTHUR, ONTARIO
N0G 1A0

(16) Document Prepared by

ANGELA ALAIMO

Registration Fee: **20.00**

Total: **20.00**

OFFICE USE ONLY	
Registration Fee	20.00
Total	20.00

THIS AMENDING AGREEMENT made this 15th day of
February, 1988.

B E T W E E N:

WILLIAM JACKSON MITCHELL
hereinafter called the Grantor
of the FIRST PART,

-and-

THE CORPORATION OF THE VILLAGE OF ARTHUR
hereinafter called the Grantee
of the SECOND PART.

WHEREAS:

1. By a Grant of Easement dated the 4th day of September, 1987, made between the Grantor and the Grantee herein, the Grantor agreed to give the Grantee an easement for certain purposes and subject to certain conditions in respect of lands within the Village of Arthur, more particularly set out in Schedule "A" hereto, which Grant of Easement is herein referred to as the "Agreement".
2. Due to an inadvertent clerical error, the number of the Reference Plan which affects the subject lands was incorrectly stated in the Agreement as being 60R-2494 when in fact the true Reference Plan number is 60R-2492.
3. This amending agreement is entered into to indicate the parties agreement to the amendment of the Reference Plan Number.

NOW THEREFORE THIS AMENDING AGREEMENT WITNESSETH that in consideration of the sum of TWO DOLLARS (\$2.00) and the mutual covenants and conditions herein contained, IT IS

AGREED THAT:

1. The Reference Plan Number as shown in the Agreement is hereby amended from 60R-2494 to 60R-2492.
2. In all other respects, the Agreement shall remain unchanged.

IN WITNESS WHEREOF the Grantor has hereunto set his hand and seal the day and year first above written and the Grantee has hereunto affixed its corporate seal, attested by the hands of its duly authorized officers in that behalf.

SIGNED, SEALED AND DELIVERED)

in the presence of:

Angela Dennis

William Jackson Mitchell
 William Jackson Mitchell

THE CORPORATION OF THE
 VILLAGE OF ARTHUR

L. L. Thomas C.S.

Spencer Matthews

SCHEDULE "A"

In the Village of Arthur, in the County of Wellington,
and being part of Lot 71 on the South side of
Frederick Street, in the Crown Survey for the said
Village of Arthur, and being designated as Part
Three (3) of Reference Plan 60R-2492.



207 FREDERICK STREET
ARTHUR | N/A
Search By Block | Enhanced Report | GeoWarehouse Store

ACTIVE | PIN 711020057

Land Registry Information - PIN: 711020057

Print Parcel Register

Address: 207 FREDERICK STREET
Municipality: ARTHUR LRO: 61 Area: 3,237 m2
Land Registry Status: ACTIVE Registration Type: LT Perimeter: 231 m
Description: PT LT 71 SURVEY CROWN ARTHUR VILLAGE PTS 2, 3 & 4 60R2492; S/T RON85585 AS AMENDED BY RON86388; S/T DN20026; WELLINGTON NORTH
Party To: 1576881 ONTARIO LIMITED; 1271084 ONTARIO INC.;

Sales History Information

DATE:	TYPE:	AMOUNT:	INSTRUMENT:
03/01/2012	T	<i>RICK ALFARO</i> \$967,000	WC336958
PARTY TO:	1271084 ONTARIO INC.; 1576881 ONTARIO LIMITED;		
05/18/2005	T	\$65,000	WC99762
PARTY TO:	642409 ONTARIO LIMITED;		
05/14/2004	T	\$65,000	WC62365
PARTY TO:	NEWLAND HOLDINGS INC.;		
07/28/2000	T	\$80,000	LT35135
PARTY TO:	1325244 ONTARIO LTD.;		
09/15/1997	T	\$91,750	RO783002
PARTY TO:	678858 ONTARIO INC.;		

COUNTY OF

I,
of the

TO WIT:

in the
make oath and say:

1. THAT I was personally present and did see the within or annexed instrument and a Duplicate thereof duly signed, sealed and executed by

the part thereof.

2. That the said Instrument and Duplicate were executed by the said part at the
of in the

3. That I know the said part

4. That I am a subscribing witness to the said Instrument and Duplicate.

SWORN before me at the

of

in the

of

this

day of

19

A Commissioner for taking Affidavits, etc.

2002 10 19

Dated: October 17th, 1969.

BRUCE PROPERTIES LIMITED

To

ONTARIO WATER RESOURCES
COMMISSION

Grant of Easements



ONTARIO WATER RESOURCES
COMMISSION

Real Estate Department
201 Bay Street, Toronto

0.52

By that the within instrument
entered and registered in the Registry
of the Registry Division of the North
of the County of Wellington, on micro-
film.

at 10:00 A.M. of the 17th day of
October 1969. A.L.Z.

[Signature]

Form.	
App. Index	
Microfilmed	
Reg. Fee	7.50
and Tax	

This Document the Property of the
Registry Office, North Wellington

2000 6 66

This Grant of Easements made the seventeenth day of
October, 19 69.

Between

BEIGER PROPERTIES LIMITED, a Private Company
Incorporated under the Laws of the Province
of Ontario, having its Head Office in the
Municipality of Metropolitan Toronto, in the
County of York,

herein called the Grantor

and

Ontario Water Resources Commission

herein called the Commission

~~XXXX~~

~~XXXXXXXXXXXXXXXXXXXX~~

~~and~~

~~XXXXXXXXXXXXXXXXXXXX~~

~~and~~

~~XXXXXXXXXXXXXXXXXXXX~~

Witnesseth

1. The Grantor is entitled to in fee simple and in possession the land herein described subject to the circumstances hereinafter described.
2. The Chargee is the registered owner of a mortgage or charge affecting the land of the Grantor.
3. The (Beneficiary) has a claim against or an interest in the land of the Grantor of such nature as to constitute him an encumbrancer thereof.
4. Pursuant to The Ontario Water Resources Commission Act, and amendments thereto, the Commission has elected or intend to erect a sewer/water main or mains on the land of the Grantor.
5. In consideration of the sum of ONE--- (\$1.00)----- Dollars of lawful money of Canada, now paid by the Commission to the Grantor (the receipt whereof is hereby acknowledged) the Grantor hereby grants and conveys in perpetuity to the Commission, its successors and assigns, the rights and easements:

(a) To enter and lay down, install, construct, maintain, open, inspect, add to, alter, repair and keep in good condition, remove, replace, relocate, reconstruct, supplement and operate one or more sewer/water mains or any part thereof, including all appurtenances necessary or incidental thereto, on, in, across, under and through the land (herein called "the strip", described in Schedule "A" hereto annexed;

(b) To keep the strip clear of all brush, trees and other obstructions of any nature whatsoever as may be necessary to the exercise and for the enjoyment of the rights and easements herein granted;

(c) For the servants, agents, contractors and workmen and other persons duly authorized by the Commission, at all times and from time to time to pass and repass with all plant, machinery, material, vehicles and equipment as may be necessary, along the strip for all purposes necessary or incidental to the exercise and for the enjoyment of the rights and easements herein granted.

The aforesaid rights and easements are herein granted on the following terms and conditions which are hereby mutually covenanted and agreed to by and between the Grantor and the Commission:

1. Upon the completion of the construction of the aforesaid sewer/water main or mains and of any installation, replacement, maintenance, inspection, repair, alteration or removal work subsequent thereto, the Commission shall fill in all excavations in the strip and as far as practicable restore the surface thereof to the same condition as that in which it was found prior to the commencement of the work and shall remove all equipment and rubbish.

3. The Grantor shall not excavate, drill, install, erect, build or permit to be excavated, drilled, installed, erected, or built, on, in, over, through or under the strip any pit, well, pavement, building, structure or other obstruction of any nature whatsoever without the prior written consent of the Commission, but otherwise the Grantor shall have the right fully to use and enjoy the strip subject always to and so as not to interfere with the rights and easements hereby granted to the Commission.

4. The Grantor shall be responsible for any damage to the property of the Commission, caused directly or indirectly by the acts or omissions of the Grantor or of persons acting under the authority of the Grantor.

5. Notwithstanding any rule of law or equity, the sewer/water main or mains and all other equipment and appurtenances brought on to, laid on or created upon, or buried in or under the strip by the Commission shall at all times remain the property of the Commission notwithstanding that the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Commission or its successors and assigns.

6. The rights and easements hereby granted are and shall be of the same force and effect to all intents and purposes as a covenant running with the land and this grant, including all the covenants and conditions herein contained, shall extend to, be binding upon and enture to the benefit of the heirs, executors, administrators, successors in title and assigns of the parties hereto respectively, and all covenants herein contained shall be construed to be several as well as joint, and wherever the singular or masculine is used, it shall be construed as if the plural or the feminine or the neuter as the case may be, had been used, where the context or the party or parties herein so require, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.

The Grantor covenants with the Commission that he has the right to convey the said rights and easements to the Commission notwithstanding any act of the Grantor.

And that the Commission shall have quiet possession of the said rights and easements, free from all encumbrances, save as aforesaid.

And the Grantor covenants with the Commission that he will execute such further assurances of the said rights and easements as may be required.

And the Grantor covenants with the Commission that he has done no act to encumber the said land save as aforesaid.

~~And the Commission hereby certifies that the contents of this instrument are correct and that the same have been duly recorded in the office of the Registrar of the Commission and that the same are a true and correct copy of the original instrument as the same appears on the records of the Commission.~~

~~And as a condition of the Commission's approval of this instrument, the Grantor has agreed to pay to the Commission the sum of \$100.00 as a contribution towards the cost of the Commission's operations.~~

In Witness Whereof the Commission has caused this Grant to be executed by the affixing of its corporate seal, attested by the signature of its proper officers, duly authorized in that behalf and the Grantor has caused this instrument to be executed by the affixing of its corporate seal, attested by the signature of its proper authorized officers in that behalf.

Signed, Sealed and Delivered
In the Presence Of:

BRUCE PROPERTIES LIMITED

John C. Kelly
President

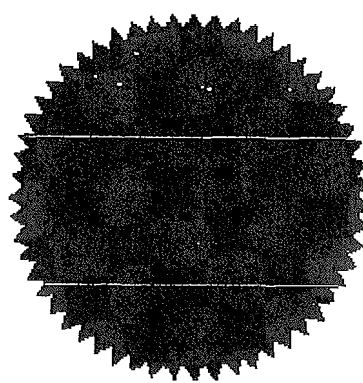
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SEAL

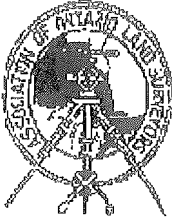
SEAL

SEAL



ONTARIO WATER RESOURCES COMMISSION

L. J. ...
Chief Property Agent



Fred G. Cunningham

Ontario Land Surveyor
 18A Martin Street
 MILTON, ONTARIO
 678-6672

PERMANENT SEWER EASEMENT ON LOT 71,
 SOUTH SIDE OF FREDERICK STREET
 VILLAGE OF ARTHUR.

ALL AND SINGULAR that certain parcel or tract of land situate lying and being in the Village of Arthur, County of Wellington, Province of Ontario and being composed of part of Lot 71 on the South Side of Frederick Street, and which said parcel may be more particularly described as follows:

All bearings herein are referred to Frederick Street as North 45 degrees, 00 minutes East:

Commencing at the most Northerly angle of the said Lot 71;

THENCE South 44 degrees, 54 minutes East along the limit between Lots 70 and 71, a distance of 135.75 feet to a found Iron Bar marking the most Easterly angle of the said Lot 71;

THENCE South 7 degrees, 14 minutes, 10 seconds West along the limit between Lots 71 and 72, a distance of 120.22 feet to an Iron Bar planted in the Northerly limit of Francis Street;

THENCE North 53 degrees, 19 minutes West therealong a distance of 20.0 feet to a point;

THENCE North 7 degrees, 14 minutes, 10 seconds East along the line drawn parallel to and distant 20 feet measured perpendicularly in a westerly direction from the said limit between Lots 71 and 72, a distance of 115.62 feet to a point in a line drawn parallel to and distant 20 feet measured perpendicularly in a Southeasterly direction from the said limit between Lots 70 and 71;

THENCE North 44 degrees, 54 minutes West along the said parallel line, a distance of 125.98 feet to a point in the Southwesterly limit of Frederick Street distant 20.0 feet measured Southwesterly therealong from the point of commencement;

THENCE North 45 degrees, 00 minutes East along the said limit of Frederick Street, a distance of 20.0 feet to the point of commencement.

10 FOOT TEMPORARY ECRKING EASEMENT

Preamble as above.

Commencing at a point in the Southeasterly limit of Frederick Street distant 20.0 feet measured Southeasterly therealong from the most Northerly angle of Lot 71;

10 Foot Temporary Working easement, (cont)

THENCE South 44 degrees, 34 minutes East along a line drawn parallel to and 20 feet measure perpendicularly in a Southwesterly direction from the limit between lots 70 and 71, a distance of 125.98 feet to a point in a line drawn parallel to and distant 20 feet measured perpendicularly in a westerly direction from the limit between lots 71 and 72;

THENCE South 7 degrees, 14 minutes, 10 seconds West along the said parallel line, a distance of 116.02 feet to a point in the Northerly limit of Francis Street, distant 20.0 feet measured westerly therealong from an Iron Bar marking the most Easterly angle of the said lot 71;

THENCE North 83 degrees, 19 minutes West along the said limit of Francis Street, a distance of 10.0 feet to a point;

THENCE North 7 degrees, 14 minutes, 10 seconds East along a line drawn parallel to and distant 30 feet measured perpendicularly in a westerly direction from the said limit between lots 71 and 72, a distance of 111.82 feet to a point in a line drawn parallel to and distant 30 feet measured perpendicularly in a Southwesterly direction from the said limit between lots 70 and 71;

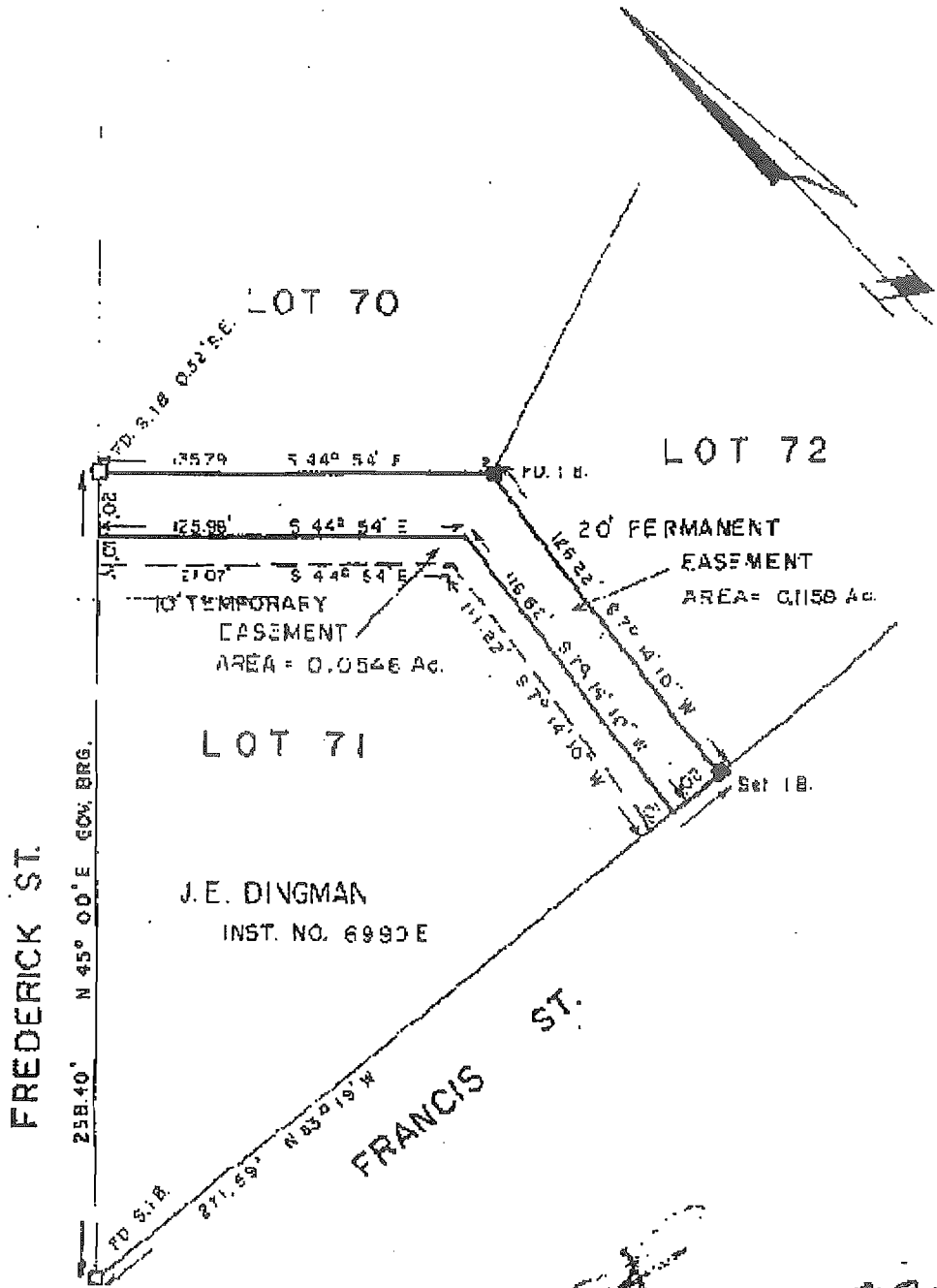
THENCE North 44 degrees, 34 minutes West along the said parallel line, a distance of 121.07 feet to a point in the Southeastly limit of Frederick Street, distant 10.0 feet measured Southwesterly therealong from the point of commencement;

THENCE North 45 degrees, 00 minutes East therealong a distance of 10.0 feet to the point of commencement.

rac/s

Fred G. Cunningham,
Illinois Land Surveyor.

PLAN OF SURVEY
 SHOWING EASEMENTS ON
 LOT 71 SOUTH SIDE OF FREDERICK ST.
 VILLAGE OF ARTHUR
 COUNTY OF WELLINGTON
 SCALE: 1" = 50'



FREDERICK ST.

FRANCIS ST.

J.E. DINGMAN
 INST. NO. 6993E

ONTARIO LAND SURVEYOR
 JUNE 5, 1969

FRED G. CUNNINGHAM
 225 MAIN ST EAST MILTON
 PHONE 878-6672

PROJECT No 69-31
 CLIENT - BUILDERS & DEVELOPERS

ZONING: R3 RESIDENTIAL ZONE (APARTMENTS)

	REQUIRED	207 FREDERICK	277 FRANCIS
1) LOT AREA	1) 1161.3m ² + (1X137.5m ²)=1298.8m ²	1) 1618m ²	1) 1607m ²
2) LOT FRONTAGE	2) 18.0m MINIMUM	2) 66.5m	2) 67.5m
3) FRONT YARD	3) 7.6m MINIMUM	3) 8.0m	3) 7.9m
4) EXTERIOR SIDEYARD	4) 7.6m MINIMUM	4) >7.6m	4) >7.6m
5) INTERIOR SIDEYARD	5) 3.0m OR 1/2 BLDG HEIGHT	5) 15.3m	5) 14.5m
6) REAR YARD	6) 7.6m MINIMUM	6) 2.9m	6) 2.8m
7) BUILDING HEIGHT	7) 12.0m MAXIMUM	7) 11.4m	7) 11.4m
8) LOT COVERAGE	8) 45%	8) 11.7%	8) 11.8%
9) FLOOR AREA	9) 2 BEDROOM UNITS 59m ² MIN.	9) 84m ²	9) 84m ²
10) PARKING	10) 1.5 X 6 UNITS = 9 SPACES	10) 10 SPACES	10) 10 SPACES

NOTE: FOR DISTANCES BETWEEN BUILDINGS MINOR VARIANCE A7/04 GRANTED.

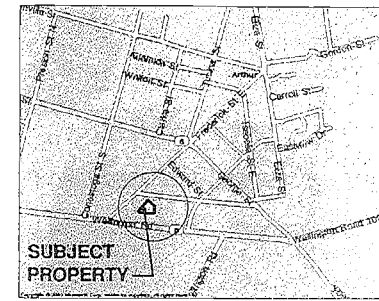
APPROVED SEVERANCE B149/12	
A	SEVERANCE OF #277 FRANCIS STREET
B	RETAINED OF #207 FREDERICK STREET
C	RIGHT-OF-WAY EASEMENT OVER SEVERED IN FAVOUR OF RETAINED
D	RIGHT-OF-WAY EASEMENT OVER RETAINED IN FAVOUR OF SEVERED
E	EASEMENT FOR SANITARY OVER SEVERED IN FAVOUR OF RETAINED
F	EASEMENT FOR SANITARY OVER RETAINED IN FAVOUR OF SEVERED

**MINOR VARIANCE SKETCH
LOT 71, SOUTH SIDE OF FREDERICK STREET
BEING PARTS 2, 3 AND 4, 60R-2492
CROWN SURVEY
VILLAGE OF ARTHUR
TOWNSHIP OF WELLINGTON NORTH
COUNTY OF WELLINGTON**

SCALE 1 : 500



VAN HARTEN SURVEYING INC.



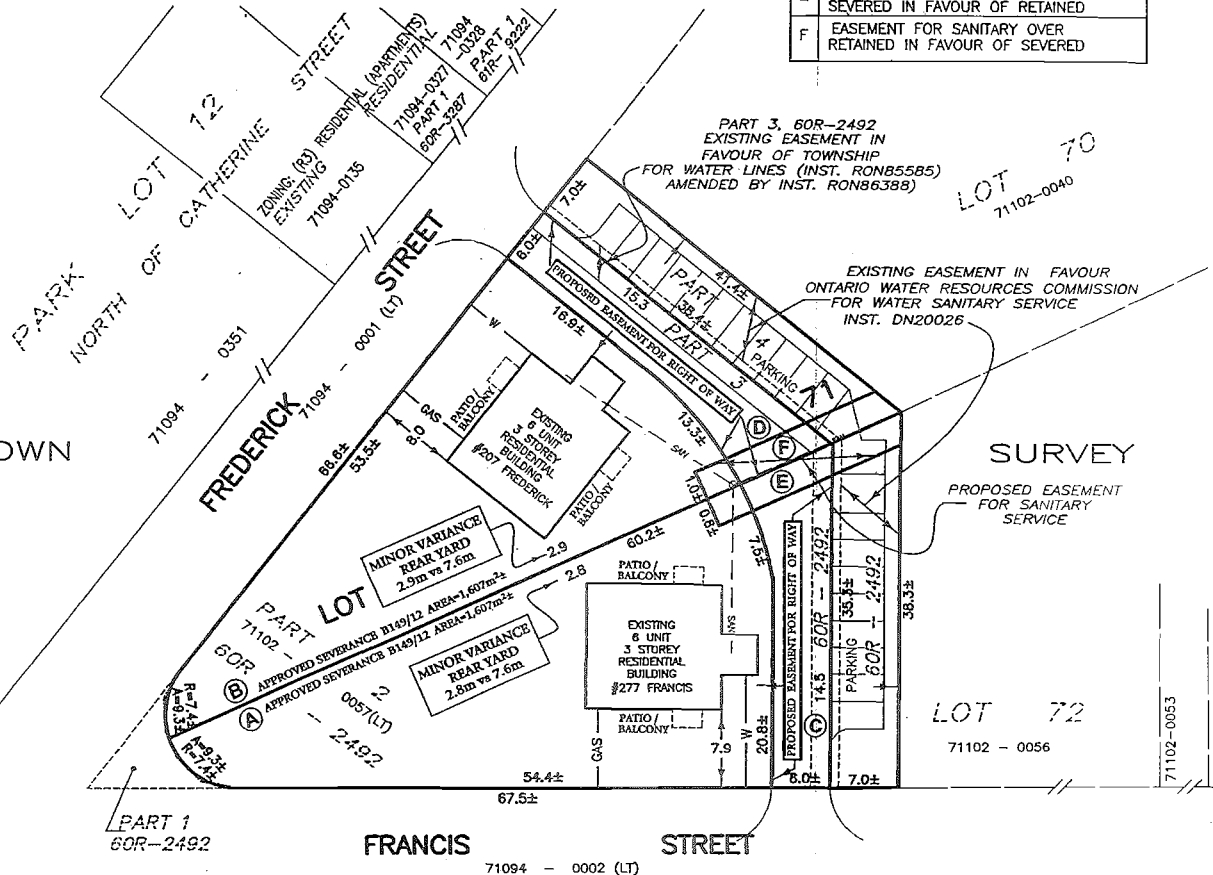
SURVEYOR'S CERTIFICATE

THIS SKETCH WAS PREPARED ON THE 22nd DAY OF APRIL, 2013.

Jeffrey E. Buisman
JEFFREY E. BUISMAN
ONTARIO LAND SURVEYOR

NOTES:

1. THIS IS NOT A PLAN OF SURVEY AND SHOULD NOT BE USED FOR REAL ESTATE TRANSFERS OR MORTGAGES.
2. SUBJECT LANDS ARE ZONED R3 RESIDENTIAL.
3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF RESIDENTIAL.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



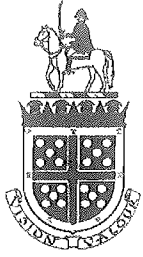
Van Harten
SURVEYING INC.
LAND SURVEYORS and ENGINEERS

423 WOOLWICH STREET
GUELPH, ONTARIO N1H 3X3
PHONE: 519-821-2763
FAX: 519-821-2770
www.vanharten.com

680 RIDDELL ROAD, UNIT 1
ORANGEVILLE, ONTARIO L9W 5G5
PHONE: 519-940-4110
FAX: 519-940-4113
www.vanharten.com

DRAWN BY: JAM | CHECKED BY: J.E.B. | PROJECT No.: 21026-12

Apr 22, 2013-9:48am
G:\ARTHUR\Crown\ACAD\MV LOT71 (MORRA).dwg



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

May 21, 2013

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 A01/13**
Part 2, 3 and 4, Plan 60R-2492
207 Fredrick Street / 277 Francis Street, Arthur
1576881 Ontario Limited & 1271084 Ontario Inc. c/o Mount Lions Properties

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

Planning Opinion:

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

We have 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.

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.

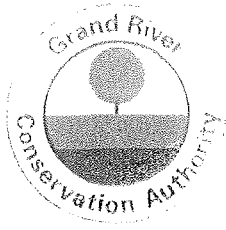
Wellington North Zoning By-law: The subject lands are zoned High Density Residential (R3). The property received provisional approval from the County Land Division Committee to split an existing parcel in two, resulting in two lots with areas of a 1,607sq.m (parcel A) and 1,618 sq.m (parcel B) each with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

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

Yours truly,

Linda Redmond, B.A.
Senior Planner



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

**PLAN REVIEW REPORT: Township of Wellington North
Darren Jones, Building/Zoning Dept.**

DATE: June 5th, 2013 **YOUR FILE:** A1/13
GRCA FILE: Wellington/NorthWell/2013/MV/C

RE: **Application for Minor Variance A1/13**
Lot 71, Parts 2, 3 and 4, Plan 60R-2492
207 Frederick Street & 277 Francis Street

GRCA COMMENT: *

The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance to provide relief regulating the minimum rear yard setback.

BACKGROUND:

1. Resource Issues:

Information currently available to this office indicates that the property does not contain any features of interest to the GRCA.

2. Legislative/Policy Requirements and Implications:

None.

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

A plan review fee will not be required as payment was already received for our review of consent application B149/12.

We trust that this information is of assistance. Should you have any questions or require additional information, please do not hesitate to contact me at extension 2236.

NEWELL CONSULTING INC. Planning & Zoning Dept. 400 CLYDE ROAD, CAMBRIDGE, ONT. N1R 5W6
TEL: 519-621-2761 FAX: 519-621-4844

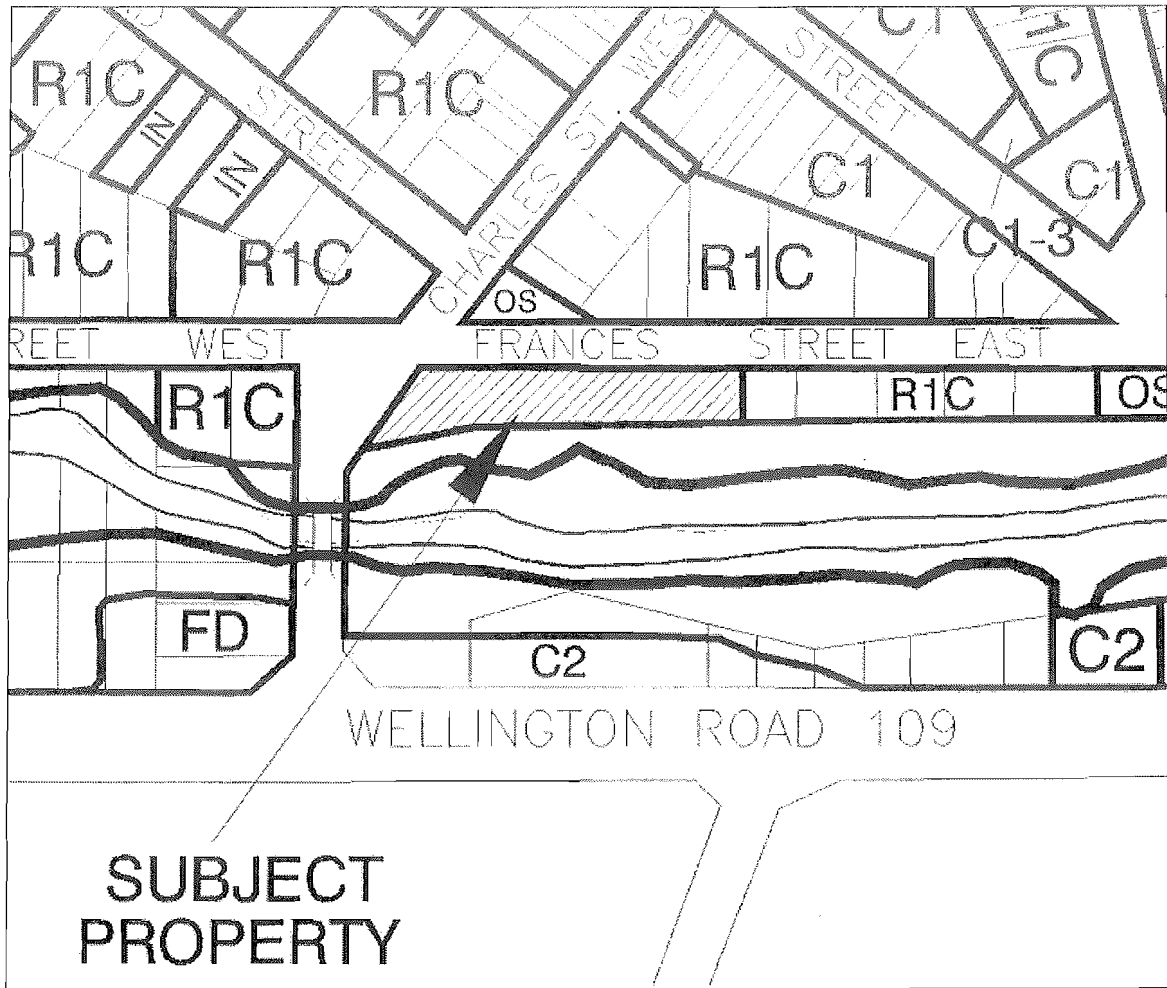
Yours truly,






























Nathan Garland
Resource Planner
Grand River Conservation Authority
NG/mk

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

cc: Linda Redmond – County of Wellington



LEGEND

-  WATERSHED BOUNDARY (GRCA)
-  UTILITY LINE (NRVIS)
-  ROADS-ADDRESSED (MNR)
-  RAILWAY (NRVIS)
-  DRAINAGE-NETWORK (GRCA)
-  PARCELS-ASSESSMENT (MPAC)
-  LOTS (NRVIS)
-  FLOODPLAIN (GRCA)
-  ENGINEERED
-  APPROXIMATE
-  ESTIMATED
-  WETLAND (GRCA)
-  SLOPE VALLEY (GRCA)
-  SLOPE
-  OVERSTEEP
-  SLOPE EROSION (GRCA)
-  STEEP
-  OVERSTEEP
-  TOE
-  WETLAND (NRVIS)
-  PROVINCIALY SIGNIFICANT
-  OTHER
-  UNEVALUATED
-  PARKS (GRCA)
-  REGULATION LIMIT (GRCA)
-  DRAINAGE-POLY (NRVIS)
-  2010 ORTHO (ONT)

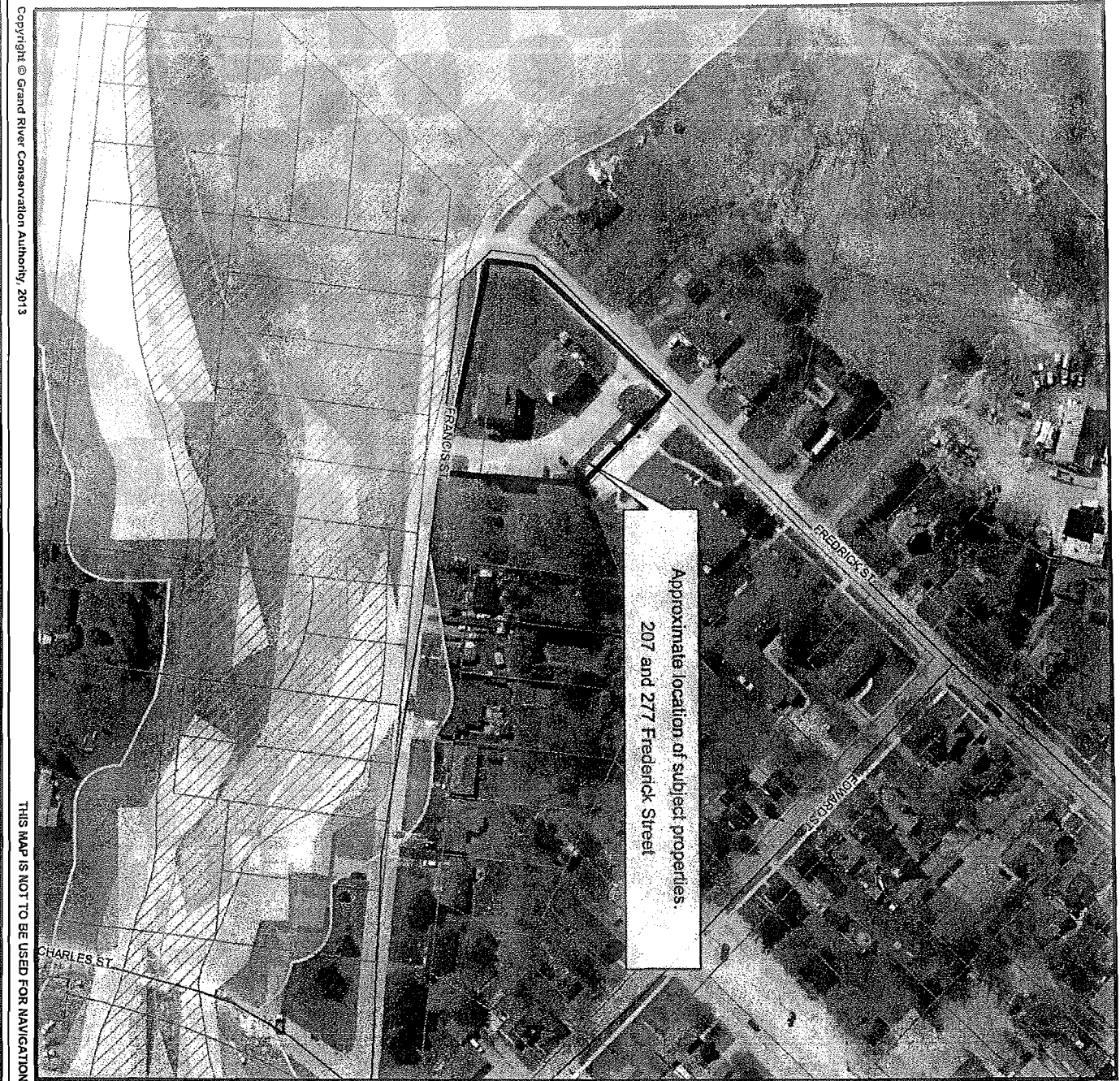
GRCA Disclaimer

This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpolations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

<http://grca.grandriver.ca/docs/SourcesCitations1.htm>

Scale 1:2,000
NAD 1983, UTM Zone 17



Approximate location of subject properties:
207 and 277 Frederick Street



351 Speedvale Avenue West
Guelph, Ontario N1H 1C6

TEL: 519-822-4031
FAX: 519-822-1220

Project No. 12-9230

April 19, 2013

Mr. Darren Jones, CBCO
Chief Building Official
Building/Zoning Department
Corporation of the Township of Wellington North,
7490 Sideroad 7 West,
Kenilworth, Ontario N0G 2E0

RE: Application for Minor Variance to the Township Zoning By-law – (Edward Watt Property) - relief from minimum front yard setback requirement of 7.6 meters on the property located west of 250 Francis Street East, Arthur

Mr. Jones:

The above referenced application is being filed to improve the location for building envelopes on 5 residential lots proximate to the top of bank of the Conestoga River floodplain in Arthur. These features are illustrated on the sketch to the application and geotechnical assessment attached to the Planning Justification Report.

Please find enclosed 3 copies each of the Minor Variance Application with sketch and the Planning Justification Report with the Geotechnical Assessment. A cheque in the amount of \$750 for processing the application is also attached. Should you have any questions please don't hesitate to contact me. We look forward to the earliest possible meeting date with the Committee of Adjustment.

Yours very truly,

BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED

A handwritten signature in cursive script that reads 'Brian Beatty'.

Brian Beatty, BAA, MURPL
Planner
Encl.

c.c. - Edward & Judith Watt, 250 Francis Street East, Arthur, Ontario N0G 1A0



TOWNSHIP OF WELLINGTON NORTH
APPLICATION FOR A MINOR VARIANCE

Date Received: April 22, 2013

File Number: A 04113

Roll # 23-49-000-012-01819-0000

Date Application Filed: _____

Application Fee Received: \$ 750.00

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): EDWARD WATT

Address: 250 FRANCIS ST. E., ARTHUR, ONTARIO N0G1A0

Phone: Home (519) 848-2909 Work () Fax _____

Email: TEDWATT@sympatico.ca

Please note: AUTHORIZATION IS REQUIRED IF THE APPLICANT IS NOT THE OWNER (See Section G)

b)* Applicant (Agent) Name(s): BRIAN BEATTY & BSRD LIMITED

Address: 351 SPEEDVALE AVE. W., GUELPH, ON N1H1C6

Phone: Home (416) 766-9351 Work (519) 822-4031 Fax (519) 822-1220

Email: BRIAN@BSRD.com

c)* Name, Address, Phone No. of all persons having any mortgage charge or encumbrance on the property:

N/A

d) Send Correspondence To: Owner [] Agent [] Other []

2.* PROVIDE A DESCRIPTION OF THE "ENTIRE" PROPERTY

Measurements are in: Metric [] Imperial [] units

Municipal Address: 250 FRANCIS STREET EAST, ARTHUR

Concession: / Lot: / Registered Plan No.: PART 1 PLAN 61R-7408

Area: 1.28 Depth: 73 Frontage (Width): 154.2 Width of Road Allowance (if known): 20⁺m
(VARIABLE)

3a).* WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

i) Provincial Highway [] ii) Seasonally maintained municipal road [] iii) Continually maintained municipal road [] iv) Other public road [] v) Right-of-way [] vi) Water access []

3b).* IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD. N/A

4.* WHAT IS THE CURRENT OFFICIAL PLAN AND ZONING STATUS?

Official Plan Designation: RESIDENTIAL & CORE GREENLANDS

Zoning: RESIDENTIAL (R1C) LOW DENSITY WITH HOLDING (H) PROVISION

B. EXSTING AND PROPOSED SERVICES

5.* INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Water	Private or Communal Water	Private Well	Other Water Supply	Municipal Sewers	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing*	[]	[]	[]	[]	[]	[]	[]	[]
b) Proposed	[✓]	[]	[]	[]	[✓]	[]	[]	[]

6. IS STORM DRAINAGE PROVIDED BY: Sewers [✓] Ditches [] Swales [✓] Other means []

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

C. REASON FOR APPLICATION

8.* WHAT IS THE NATURE AND THE EXTENT OF THE RELIEF THAT IS BEING APPLIED FOR?

(Please specifically indicate on sketch)

RELIEF FROM 7.6 m MINIMUM FRONT YARD SETBACK (SECTION 11-R1C-RESIDENTIAL ZONE, 11.2.3) TO 4.5 m IN ORDER TO PROVIDE A GREATER REAR YARD SETBACK FROM TOP OF BANK OF CONESTOGA RIVER FLOODPLAIN.

9.* WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE BY-LAW?

(Please specifically indicate on sketch)

IT IS POSSIBLE TO COMPLY HOWEVER THE MINOR VARIANCE WILL PROVIDE ADDITIONAL PROTECTION AND BUFFERING TO THE TOP OF BANK RESULTING IN MUCH REDUCED NEED FOR REAR YARD GRADING AND DISRUPTION OF BANK.

D. EXISTING SUBJECT AND ABUTTING PROPERTY LAND USES, BUILDINGS & THEIR LOCATIONS

10.* WHAT IS THE "EXISTING" USE OF:

a) THE SUBJECT PROPERTY? VACANT LAND

b) THE ABUTTING PROPERTIES? COMMERCIAL TO THE SOUTH & RESIDENTIAL ON OTHER SIDES.

11.* PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS ON OR PROPOSED FOR THE SUBJECT LAND: Measurements are in Metric [] Imperial [] units

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Type of Building(s)	<u>RESIDENTIAL</u>	<u>✓</u>	b) Main Building Height		
c) % Lot Coverage	<u>NOT</u>		d) # of Parking Spaces	<u>NOT</u>	
e) # of Loading Space(s)		<u>KNOWN</u>	f) Number of Floors		<u>KNOWN</u>
g) Total Floor Area (exclude basement)			h) Ground Floor Area		

12.* WHAT IS THE LOCATION OF ALL BUILDINGS EXISTING AND PROPOSED FOR THE SUBJECT PROPERTY (Specify distances from front, rear and side lot lines)

Measurements are in: Metric [] Imperial [] units

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Front Yard		<u>4.5 m</u>	b) Side Yards		<u>1.8⁺ m</u>
c) Rear Yard		<u>7.6 m</u>			

13.* DATE OF ACQUISITION OF SUBJECT PROPERTY: JANUARY 31, 1997

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: N/A

14. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY?

NOT KNOWN

15.* HAS THE OWNER PREVIOUSLY APPLIED FOR RELIEF IN RESPECT OF THE SUBJECT PROPERTY

YES [] NO []

IF THE ANSWER IS YES, PLEASE INDICATE THE FILE NUMBER AND DESCRIBE BRIEFLY:

N/A

F. OTHER RELATED PLANNING APPLICATIONS

16.* HAS THE APPLICANT/ OWNER MADE APPLICATION FOR ANY OF THE FOLLOWING ON THE SUBJECT LAND?

Official Plan Amendment	Yes []	No [<input checked="" type="checkbox"/>]
Zoning By-law Amendment	Yes []	No [<input checked="" type="checkbox"/>]
Plan of Subdivision	Yes []	No [<input checked="" type="checkbox"/>]
Consent [Severance]	Yes [<input checked="" type="checkbox"/>]	No []

17.* IF THE ANSWER TO QUESTION 15 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. of Application: (S) 131/12 THROUGH 135/12, FEB. 14, 2013 - LDC

Purpose of Application: 5 RESIDENTIAL LOT SEVERANCES

Status of Application: PROVISIONAL CONSENTS GRANTED / CONDITIONS BEING SATISFIED.

G. AUTHORIZATION FOR AGENT/SOLICITOR TO ACT FOR OWNER:

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

I (we) EDWARD WATT of the TOWNSHIP of WELLINGTON NORTH

County/Region of WELLINGTON do hereby authorize BRIAN BEATTY to act as my agent in this application.

Edward Watt
Signature of Owner(s)

APRIL 18, 2013
Date

H.* AFFIDAVIT: (This affidavit must be signed in the presence of a Commissioner)

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

DECLARED before me at the CITY of QUELPA in the County of

WELLINGTON this 18 day of APRIL, 2013.

Brian Beatty
Signature of Owner or Authorized Solicitor or Authorized Agent

APRIL 18, 2013
Date

Kerry Hillis
Signature of Commissioner

APRIL 18, 2013
Date

Kerry Francis Hillis, a Commissioner, etc.,
Province of Ontario for
BLACK, SHOEMAKER, HOENIGER & JOHNSON LIMITED
Expires January 20, 2015.

APPLICATION AND FEE OF \$750.00 RECEIVED BY THE MUNICIPALITY:

Roberta Jones
Signature of Municipal Employee

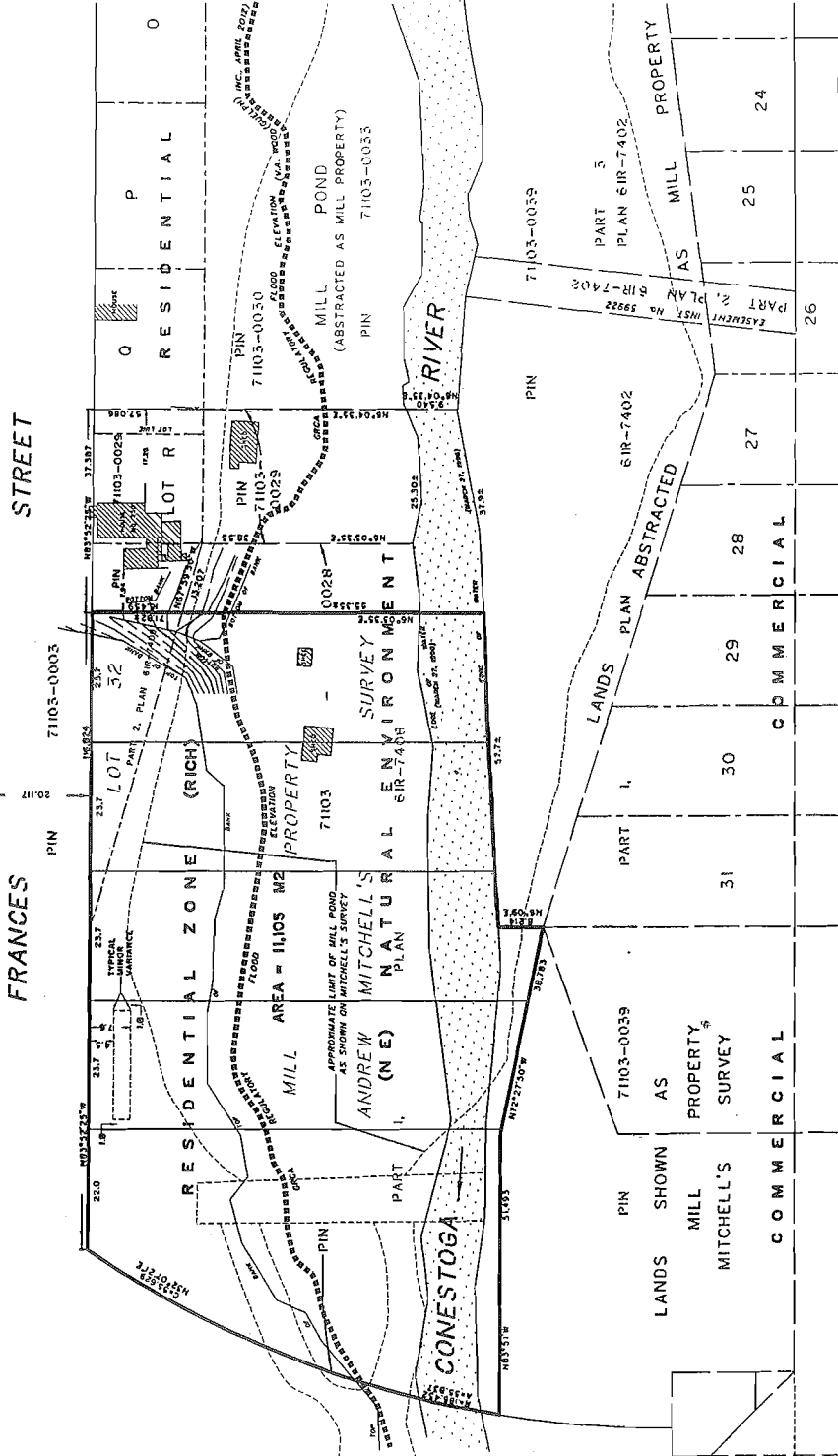
April 23, 2013
Date

SKETCH
 PREPARED FOR
 MINOR VARIANCE APPLICATION
 VILLAGE OF ARTHUR
 TOWNSHIP OF WELLINGTON NORTH
 COUNTY OF WELLINGTON

SCALE 1: 500

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

RESIDENTIAL	RESIDENTIAL	RESIDENTIAL	RESIDENTIAL
58	59	60	61
PIN 71103-0022	PIN 71103-0021	PIN 71103-0020	PIN 71103-0019
			PIN 71103-0018
			62
			RESIDENTIAL



RIC - LOW DENSITY RESIDENTIAL ZONE
 NE - NATURAL ENVIRONMENT ZONE
 H - HOUSING ZONE

OWNERS: EDWARD EARL WATT &
 JUDITH ELLER WATT
 250 FRANCES STREET
 WELLINGTON

WELLINGTON COUNTY ROAD NO. 109
 (ORIGINAL ROAD ALLOWANCE BETWEEN THE TOWNSHIPS OF ARTHUR and PEEL)
 (CATHARINA STREET BY MITCHELL'S SURVEY)

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BSR&D
 BLACK, SHOEMAKER, ROBINSON & DONALDSON
 LIMITED
 351 Sandstone Avenue West
 Waterloo, ON
 N2L 2G7
 TEL: (519) 852-4033
 FAX: (519) 852-4220
 www.bsrdo.com

DATE: APRIL 10, 2015
 DRAWN BY:
 PROJECT NO:
 IS-10230-2



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 26, 2013

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 A4/13**
Part 1, Plan 61R-7408
Francis Street East, Arthur
Watt

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

Planning Opinion:

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

We have 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.

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.

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.

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

Yours truly,

Linda Redmond, B.A.
Senior Planner

RECEIVED

MAY 29 2013

TWP. OF WELLINGTON NORTH

TOWNSHIP OF WELLINGTON NORTH COMMITTEE OF ADJUSTMENT

**NOTICE OF PUBLIC HEARING
OF APPLICATION FOR MINOR VARIANCE**

Planning Act, R.S.O. 1990, Chap.P.13, ss.45 (5)

A4/13

TAKE NOTICE that an application for minor variance, under the above file number has been submitted to the Committee of Adjustment for the Township of Wellington North. The Committee will give consideration to the minor variance application on:

June 17, 2013 - REVISED
Township of Wellington North Municipal Offices
Council Chambers
7490 Sideroad 7 West, Kenilworth.
7:00 p.m.

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 location of the property is shown on the map below.

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.

MAKING AN ORAL OR WRITTEN SUBMISSION

Any person or public body is entitled to attend the public meeting and make written or oral submissions on the proposed variance.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Wellington North before the variance is passed, the person or public body is not entitled to appeal the decision of the Committee of Adjustment of the Township of Wellington North to the Ontario Municipal Board.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Township of Wellington North before the variance is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

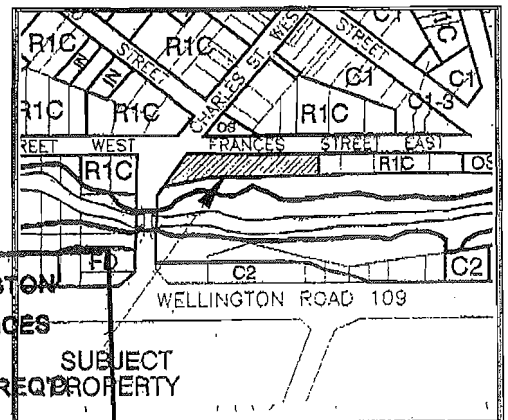
NOTICE OF DECISION

If you wish to be notified of the decision of the Committee of Adjustment for the Township of Wellington North in respect of this application, you must submit a written request to the Secretary-Treasurer of the Committee of Adjustment for the Township of Wellington North at the address provided below.

ADDITIONAL INFORMATION regarding this application will be available for inspection at the Township of Wellington North Municipal Office during regular business hours.

Dated at the Township of Wellington North
This 23rd day of May, 2013

Darren Jones, Building/Zoning Dept.
Township Wellington North
7490 Sideroad 7, W
Kenilworth, ON N0G 2E0
Phone: (519) 848-3620
Fax: (519) 848-1119



**COUNTY OF WELLINGTON
ENGINEERING SERVICES**
**NO OBJECTION
NOTICE OF DECISION REQUIRED**
**PASQUALE COSTANZO, CET
ENGINEERING TECHNOLOGIST**
MAY 29/13

*John Chalmers
Planning Dept.*