



Township of Wellington North

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

COMMITTEE OF ADJUSTMENT

Monday, June 20th, 2011 – 7:15 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

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AGENDA ITEM	PAGE NO.
<p><u>Chairman</u></p> <ol style="list-style-type: none">1. Officially open the public meeting.2. Declaration of Pecuniary Interest and General Nature Thereof.3. Minutes, A2/11 and A5/08 (attached)	01
<p><u>DEFERRED APPLICATION A2/11</u></p> <p>Applicant: Steve Hummel and Sharon Hummel</p> <p>THE LOCATION OF THE SUBJECT PROPERTY is described as Lot 6 Part Lot 5, with a civic address of 455 Durham St. W., Mount Forest. The property is approximately 1372 sq.m (14,769 sq.ft.) in size and has frontage on Durham and Henry Streets. 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 the required lot area, frontage, interior side yard and exterior side yard setbacks under section 11.2 of the Wellington North Zoning By-law regulating the setback requirements for single detached dwellings in an R1C zone. The applicant is proposing to sever the subject property to create two additional lots and construct a single detached dwelling on each of the severed parcels (consent applications B33/11 and B34/11). The property is located in a Residential (R1C) zone. Other variances may be considered where deemed appropriate. The end result will be 3 residential lots on the property.</p>	13

AGENDA ITEM	PAGE NO.
4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on May 24th, 2011 as well as posted on the property.	
5. Application for a Minor Variance	14
6. Township Planner – Linda Redmond will review the County comments (attached).	23
7. Correspondence/Comments received: <ul style="list-style-type: none"> - Saugeen Valley Conservation Authority – No objection. - Brian Padfield – Objection. - Robert Hill – Objection. 	25 26 27
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 	
9. Adjournment.	

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11 and A5/08

The Committee of Adjustment met on Monday, June 6, 2011 at the Kenilworth Municipal Office, at 7:15 p.m.

Members Present: Chairman: Sherry Burke (Acting Chairman)
Mark Goetz
Andy Lennox
Dan Yake

Absent: Raymond Tout

Also Present: Alternate Secretary-Treasurer, Lorraine Heinbuch
Executive Assistant, Cathy Conrad
Township Planner, Linda Redmond
Junior Planner, Denise Whaley

1. The Chairman called the meeting to order.
2. Disclosure of Pecuniary Interest and General Nature Thereof
None Reported
3. Minutes

Moved by: Councillor Goetz
Seconded by: Councillor Yake

*THAT the Committee of Adjustment meeting minutes of May 2, 2011 –
A1/11 and A5/08 be adopted as presented.*

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Applications A2/11 and A5/08 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11 and A5/08

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APPLICATION A2/11

Applicant: Steve Hummel and Sharon Hummel

THE LOCATION OF THE SUBJECT PROPERTY is described as Lot 6 Part Lot 5, with a civic address of 455 Durham St. W., Mount Forest. The property is approximately 1372 sq.m (14,769 sq.ft.) in size and has frontage on Durham and Henry Streets.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required lot area, frontage, interior side yard and exterior side yard setbacks under section 11.2 of the Wellington North Zoning By-law regulating the setback requirements for single detached dwellings in an R1C zone. The applicant is proposing to sever the subject property to create two additional lots and construct a single detached dwelling on each of the severed parcels (consent applications B33/11 and B34/11). The property is located in a Residential (R1C) zone. Other variances may be considered where deemed appropriate. The end result will be 3 residential lots on the property.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on May 24, 2011 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed comments provided by Denise Whaley, Junior Planner, dated May 12, 2011.

The variances requested would provide relief from sections 11.2.1, 11.2.2, 11.2.4 & 11.2.5 of the Zoning By-law to allow a reduced frontage, lot area, and side yard setbacks to allow the construction of two single detached dwellings.

The Planning Department had no concerns with the relief requested at this time. The 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, provided that:

- a) The application for the minor variances are approved subject to the attached sketch and,
- b) The approval of consent applications B33/11 and B34/11.

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The Places to Grow policies place emphasis on intensification and optimizing of the use of existing land supplies. Under section 2.2.2.1 which deals with managing growth it states: "population and employment growth will be accommodated by concentrating intensification in intensification areas." Intensification is defined as: "the development of a property, site or area at a higher density than currently exists through...b) the development of vacant and/or underutilized lots within previously developed areas; or c) infill development." The plan further states municipalities are to develop policies and strategies to achieve intensification that will encourage and facilitate intensification. Additionally the municipality should identify the appropriate type and scale of development within these areas.

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

In the Wellington North Zoning By-law the subject lands are zoned Residential (R1C). The applicants are proposing to sever the subject property to create two new residential lots and construct a new single detached bungalow on each new lot. The retained parcel would maintain the current dwelling. The proposed severances and location of the dwellings will create lot area, frontage and side yard deficiencies shown below for the three parcels:

Severed Parcel (A) – Proposed Single Detached Bungalow

	<u>By-Law R1C Regulations</u>	<u>Proposed Dimensions</u>
Lot Frontage, minimum	15.0 m (49.2 ft)	13.6 m (44.6 ft)

Retained Parcel (B) – 1 ½ Storey existing

	<u>By-Law R1C Regulations</u>	<u>Proposed Dimensions</u>
Lot Frontage, minimum	15.0 m (49.2 ft)	12.2 m (40.0 ft)
Lot Area, minimum	465.0 m ² (5005.4 ft ²)	418.7 m ² (4508.0 ft ²)
Interior Side Yard	3.7 m (12.1 ft)	2.4m (7.8 ft)
No attached garage		

TOWNSHIP OF WELLINGTON NORTH

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Severed Parcel (C) – Proposed Single Detached Bungalow

	<u>By-Law R1C Regulations</u>	<u>Proposed Dimensions</u>
Lot Frontage, minimum	15.0 m (49.2 ft)	14.1 m (46.6 ft)
Exterior Side Yard, minimum	7.6 m (24.9 ft)	6.2 m (20.3 ft)

One of the tests for a minor variance application is whether the variance(s) sought is minor. In this application 6 variances are being sought; however 3 of these are within the retained parcel which will have relatively minor impacts on the surrounding neighbourhood. For the proposed single detached bungalows, the requested variances would be considered minor.

This property was part of a previous consent application which had provided for only 40 ft of frontage for the proposed Lot A). Because of neighbour concerns at that time it was determined that the proposed lots could be reconfigured to allow for increased lot frontage for Lot A) and a side yard setback of 10 ft, which exceeds the requirement for side yards as per section 11.2.4 of the zoning by-law.

This application is consistent with the policy direction for intensification under the Places to Grow Act, 2005 and to the County of Wellington Growth Strategy in Part 3 of the Official Plan.

The configuration has been modified as there were concerns raised by Council and residents when the previous application was before the Land Division Committee. The Land Division Committee was supportive of the application but wanted to ensure Council and residents issues were resolved.

6. Correspondence/Comments received:

- Saugeen Valley Conservation Authority
- no objection

7. Questions/Comments

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

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A2/11 and A5/08

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The Applicant was present to answer any questions regarding the application. Mr. Hummel stated that due to concerns the lots have been reconfigured. He has built similar homes in elsewhere.

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

Robert Hill, 465 Durham Street West, objected to the minor variance application. He previously filed an objection to the consent application with the Wellington County Land Division Committee and attended their meeting on April 14. Mr. Hill was surprised that the Wellington North Zoning By-law was not given any consideration but decisions were based on Provincial Policy calling for high density. He was also concerned when he heard that the Township had supported the consent application and that the Land Division Committee changed the application to different lot sizes without the application going back to the Township Council. Mr. Hill questioned how this application meets the four tests of a minor variance. The Zoning By-law refers to R1C Zone as Low Density. Mr. Hill feels the proposed development is not low density.

Brian Padfield spoke on behalf of Stuart and Sara Nelson, adjacent owners at 311 Henry Street. Mr. and Mrs. Nelson opposed the application as they feel that the proposed development is substantially inconsistent with the current Township Zoning By-law and the established residential development of the area. They do not feel that the relief requested in the application is minor and suggest that a zoning amendment maybe necessary. Mr. and Mrs. Nelson supported Robert Hill's letter dated May 13.

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

Committee – Comments and Questions

Dan Yake requested that the Committee defer the application until all of Council were present. He is not in support of this application as it requested six variances. Mr. Yake felt the lot sizes were not suitable for the area.

Andy Lennox questioned if the proposed development would be considered high density.

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Ms. Redmond informed the Committee that low density refers to the building type. Low density refers to single family dwellings. The proposed development meets the requirements of the zoning by-law in that respect.

Moved by: Councillor Yake
Seconded by: Councillor Lennox

THAT the minor variance applied for in Application A2/11 be deferred.

Resolution No. 2

Carried

APPLICATION A5/08

Applicant: Peter Schlegel

THE LOCATION OF THE SUBJECT PROPERTY is in Part Park Lot 7 & 6, plan 61R8529 and is municipally known as 740 Princess Street (Mount Forest). The property is approximately 3.653 ha. (9 ac.) in size and is occupied by a partially completed townhouse development (phase 1).

THE PURPOSE AND EFFECT is to provide relief from the minimum required parking for the proposed townhouse development on the subject lands. According to Section 6.27.8 of the Zoning By-law the required parking for a cluster townhouse development is 1.5 spaces per unit. Based on this, the proposal would require a minimum of 74 parking spaces, whereas the applicants are proposing to provide 61. Relief is required for 13 parking spaces.

This variance was before the Committee of Adjustment on August 18th, 2008. The variance was deferred at the request of the applicant. The variance is now coming forward for consideration at the request of the applicant.

8. The Secretary Treasurer confirmed that notice was mailed to those requesting notice in writing and posted on the property.
9. A5/08 Committee of Adjustment Minutes – August 18, 2008

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10. A5/08 Committee of Adjustment Minutes – September 8, 2008
11. Linda Redmond, Township Planner, reviewed her comments dated April 27, 2011.

The variance requested would provide relief from Section 6.27.8 of the Zoning By-law that requires 74 parking spaces for a 49 unit residential townhouse development. The applicants are requesting a reduction in the required parking to 61 spaces. The Planning Department had no concerns with this proposal that maintains the general intent and purpose of the Official Plan and Zoning By-law, is minor in nature, and is desirable for the appropriate development of the subject property.

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.

The subject lands are currently zoned Institutional with a site specific exemption 37 (IN-37). This zoning category permits a nursing home and townhouse development. At this time a portion of the lands are proposed for a 49 unit townhouse development. The parking needed for this type of use is 74 spaces based on the requirement of 1.5 spaces per unit. The applicants are proposing to provide 61 spaces.

The development as proposed will provide each unit with an attached garage. For the purposes of the zoning by-law the garage is considered the required parking space. There is additional parking provided in the driveway of each unit however this cannot be counted as required parking. There will also be an additional 12 spaces on the site for visitors. Additionally there is a nursing home proposed on the other portion of the property. At this time the applicants are wishing to proceed with the townhouse development and the nursing home will follow at a later date. Once the nursing home is developed there will be pedestrian access between the two uses, which will provide additional parking opportunities. This combined with the supplemental parking located in front of the garages will provide adequate parking for this development.

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This variance was before the Committee of Adjustment in 2008. At that time the land was vacant and there were concerns raised by the neighbours primarily related to overflow of parking onto the surrounding roads. The applicant asked the Committee to defer the application until a later date. Since that time Phase 1 of the site is almost complete which includes 6 townhouse blocks and comprises 25 units. Phase 2 which contains the remaining 24 units has not received final site plan approval which is contingent on this variance as the parking deficiency is located within this Phase of the development.

Denise Whaley, Junior Planner, presented her correspondence dated June 1, 2011. At the meeting held on May 2, 2011 the Committee requested that staff undertake a study of parking requirements for cluster townhouses in other municipalities. A survey was conducted of other municipalities in their treatment of parking requirements for cluster townhouses.

Among municipalities there was no universally accepted minimum standard for parking requirements and there is some variation in the treatment of these types of developments, requiring anywhere from 1.0-1.5 spaces. However, there are many cases of site specific zoning or minor variances which have allowed fewer than the minimum *where the minimum is more than 1.0 space*, and where a development is geared specifically for the 55+ age group, and is within a urban core or transportation corridor.

Several municipalities surveyed also recognized tandem parking when calculating parking requirements for dwelling units. Tandem parking occurs when a vehicle parks in front of another by way of the same entrance, such as would occur with a garage and driveway or an appropriate sized longer driveway. In the case of this type of development, tandem parking would allow the garage and driveway of each dwelling to be considered as (2) separate parking spaces when calculating the total required spaces.

In Wellington North tandem parking has not been previously recognized when calculating parking. Meaford and Cambridge recognize tandem parking which would satisfy the parking requirements of 1.5 spaces per unit within the drive and garages of this type of development. Orangeville and Hamilton have previously allowed tandem parking when calculating parking requirements but have since reduced their parking requirements to (1) per unit for all dwelling units, therefore recognizing tandem parking is no longer necessary.

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The table below provides a summary of parking requirements for this type of development among different municipalities of varying sizes. The column indicating the total parking required does not take into consideration any site specific parking requirements allowed through minor variances or site specific zoning which may also occur in these municipalities. It only provides the minimum standards under the specific zoning by-laws.

MUNICIPALITY	REQUIRED PARKING FOR CLUSTER TOWNHOMES	TOTAL REQUIRED FOR 49 UNITS WITHOUT MINOR VARIANCE
WELLINGTON NORTH	1.5 / unit	74
CENTRE WELLINGTON	1.0 / unit + 0.5 spaces / unit for visitors for the first 20 units and 0.25 / unit for each additional unit. A minimum of 50% of the additional parking spaces shall be devoted exclusively to visitor parking	66
MEAFORD	1.5 / unit Tandem parking recognized therefore drive and garage = 2 spaces No additional visitor parking required	74 – satisfied within drive and garage
OWEN SOUND	1.25 / unit No additional visitor parking required	62
ORANGEVILLE	1.0 / unit	49
CAMBRIDGE	1.0 + 0.5 visitor/unit Also recognizes tandem parking	74 – satisfied within drive and garage
GEORGIAN BLUFFS	1.0 +1.0/4 units for visitor parking	62
HAMILTON	1.0 / unit	49
SAUGEEN SHORES	1.0 / unit + 1.0 / 4 units visitor parking	62

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A2/11 and A5/08

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12. Correspondence/Comments received (August 18, 2008 meeting):

- Saugeen Valley Conservation Authority – No objection
- Warren Fink, 316 Jeremy's Crescent – Concerns
- Thelma and Robert Rowsell, 749 Princess Street – Object
- Diane McDonald, President, Betty-Dee Ltd. – Object pending resolution of drainage
- Warren Fink, 316 Jeremy's Crescent – Concerns
- Diane McDonald, President, Betty-Dee Ltd. – Object pending resolution of drainage
- Leon and Josie Vandepas, 761 Princess Street – Not in favour

Correspondence/Comments received (September 8, 2008 meeting):

- Warren Fink, 316 Jeremy's Crescent – Concerns
- Diane McDonald, President, Betty-Dee Ltd. – Object pending resolution of drainage
- Leon and Josie Vanderpas, 761 Princess Street – Not in favor

Correspondence/Comments received (May 2, 2011)

- Diane McDonald, Betty Dee Limited – Object
- Ken and Ann Babey, 610 Martin St. - Object

Correspondence/Comments received (June 6, 2011 meeting):

- Jerome Quenneville, North Wellington Health Care – Looking forward to seeing the development proceed
- Warren Fink, 316 Jeremy's Crescent – Object
- Thelma and Robert Rowsell, 749 Princess Street – Object
- Diane McDonald, President, Betty-Dee Ltd. – Object

13. 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 this application. Mr. Schlegel was appreciative of the parking study. The consideration of tandem parking would mean two spaces for each unit and would allow maximum utilization of land. The current units are filled or spoken for and there is a waiting list for more units.

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TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

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

Warren Fink, 363 Jeremy's Crescent, objected to the application. Mr. Fink stated that minimum standards are to protect the residents of the community and that the developer initiated the project and planned for parking below the minimum standard. The current project will result in significant change in population and traffic. These streets have no sidewalks so pedestrians will be forced to use the roadway, which will create a hazard. Mr. Fink commented on the grading, flooding and drainage as the plans have changed since construction started three years ago. Mr. Fink suggested that other things have changed that we have not seen. The developer is currently renting out the townhouses to seniors, but questioned what will happen in the future if they are sold as condominium units to families with multiple vehicles. Mr. Fink believed that the townhouse development should be considered as a standalone development as the nursing home may never be built.

Those wishing to be notified of decision please leave name and address with secretary-treasurer.

Committee:

- Comments and questions
 - None

Moved by: Councillor Yake

Seconded by: Councillor Lennox

THAT the minor variance applied for in Application A5/08 be authorized.

Resolution No. 3

Carried

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11 and A5/08

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14. Adjournment

**Moved by: Councillor Goetz
Seconded by: Councillor Lennox**

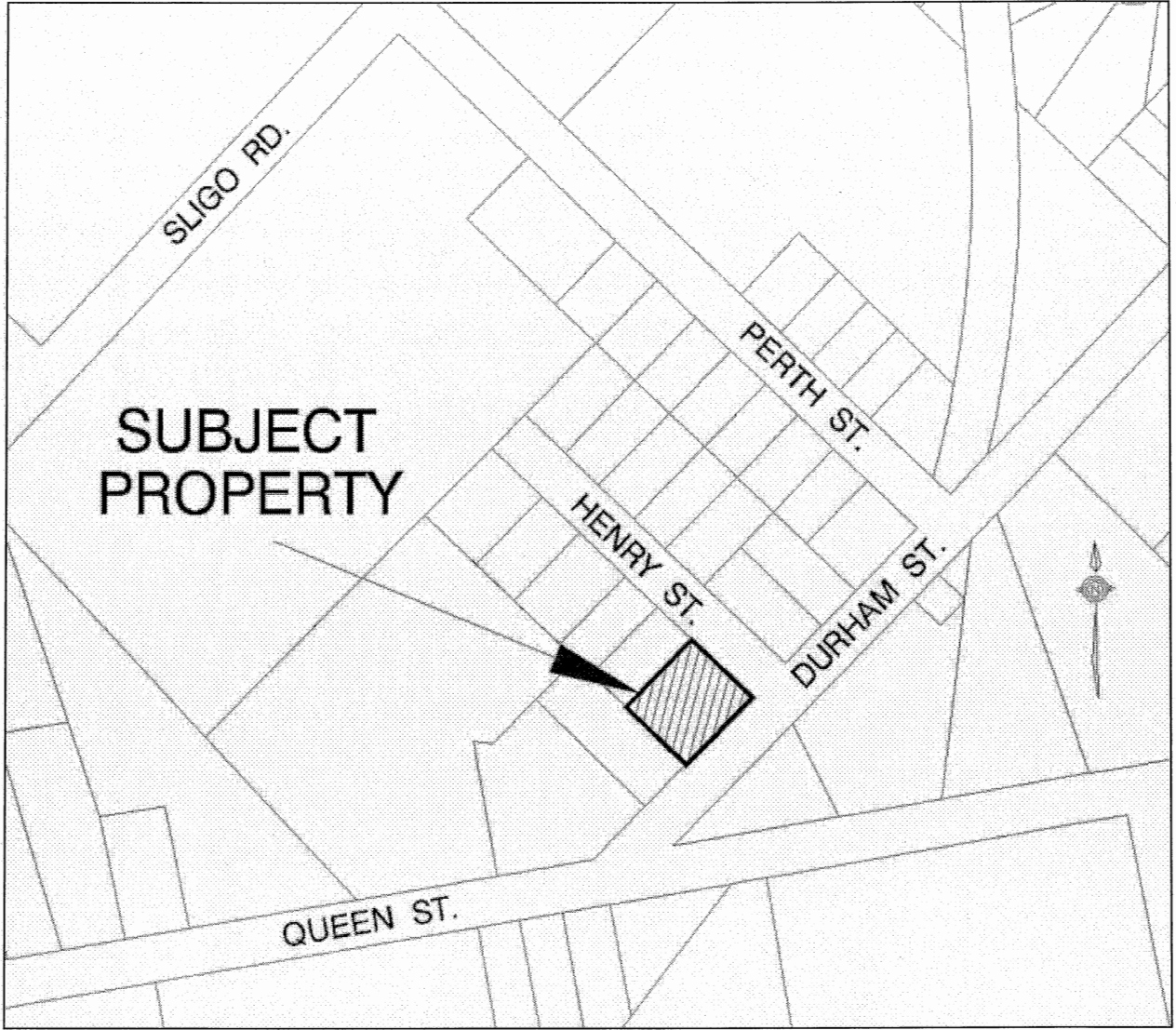
That the Committee of Adjustment meeting of June 6, 2011 be adjourned at 7:49 p.m.

Resolution No. 4

Carried

Secretary Treasurer

Chairman



Lot 6 pt 0095



TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: May 9, 2011

File Number: A 211

Roll # 23 49 000 004 098 00 0000

Date Application Filed: _____

Application Fee Received: \$ 150.00

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): Steve Hummel, Sharon Hummel

Address: R.R. 1, Arthur, ON N0G1A0

Phone: Home (519) 848-6711 Work (827) 519-6711 Fax _____
Cell

Email: _____

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

b)* Applicant (Agent) Name(s): As Above

Address: _____

Phone: Home () _____ Work () _____ Fax () _____

Email: _____

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

d) Send Correspondence To: Owner Agent Other

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

Measurements are in: Metric Imperial units

Municipal Address: #55 Durham W. Mount Forest

Concession: _____ Lot: _____ Registered Plan No.: _____

Area: 130.9 Depth: 112.1 Frontage (Width): _____ Width of Road Allowance (if known): _____

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: Residential, Mount Forest URBAN CENTRE

Zoning: R1C

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?**

Property on corner of Durham & Henry St. Mount Forest

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)

- ① Frontage on proposed lots A, B + C - attached sketch
- ② Area on proposed lot B - " "
- ③ Exterior s/y on proposed lot C - " "
- ④ Interior s/y on proposed lot B - " "

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

(Please specifically indicate on sketch)

Property to be severed.

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

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Type of Building(s)	_____	_____	b) Main Building Height	_____	_____
c) % Lot Coverage	_____	_____	d) # of Parking Spaces	_____	_____
e) # of Loading Space(s)	_____	_____	f) Number of Floors	_____	_____
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	_____	_____	b) Side Yards	_____	_____
c) Rear Yard	_____	_____			

13.* DATE OF ACQUISITION OF SUBJECT PROPERTY: JANUARY 2011

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: house OLD.

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

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:

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 [✓]
Zoning By-law Amendment	Yes []	No [✓]
Plan of Subdivision	Yes []	No [✓]
Consent [Severance]	Yes []	No [✓]

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

File No. of Application: _____
Purpose of Application: _____
Status of Application: _____

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) Steve Hummel of the _____ of _____,

County/Region of _____ do hereby authorize _____ 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) Steve Hummel, ^{Hummel} Shawn of the Township of Wellington North,
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 Township of Wellington North in the County of

Wellington this 09 day of May, 2011.

[Signature]
Signature of Owner or Authorized Solicitor or Authorized Agent

May 9/11
Date

[Signature]
Signature of Commissioner

May 9/11
Date

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

[Signature]
Signature of Municipal Employee

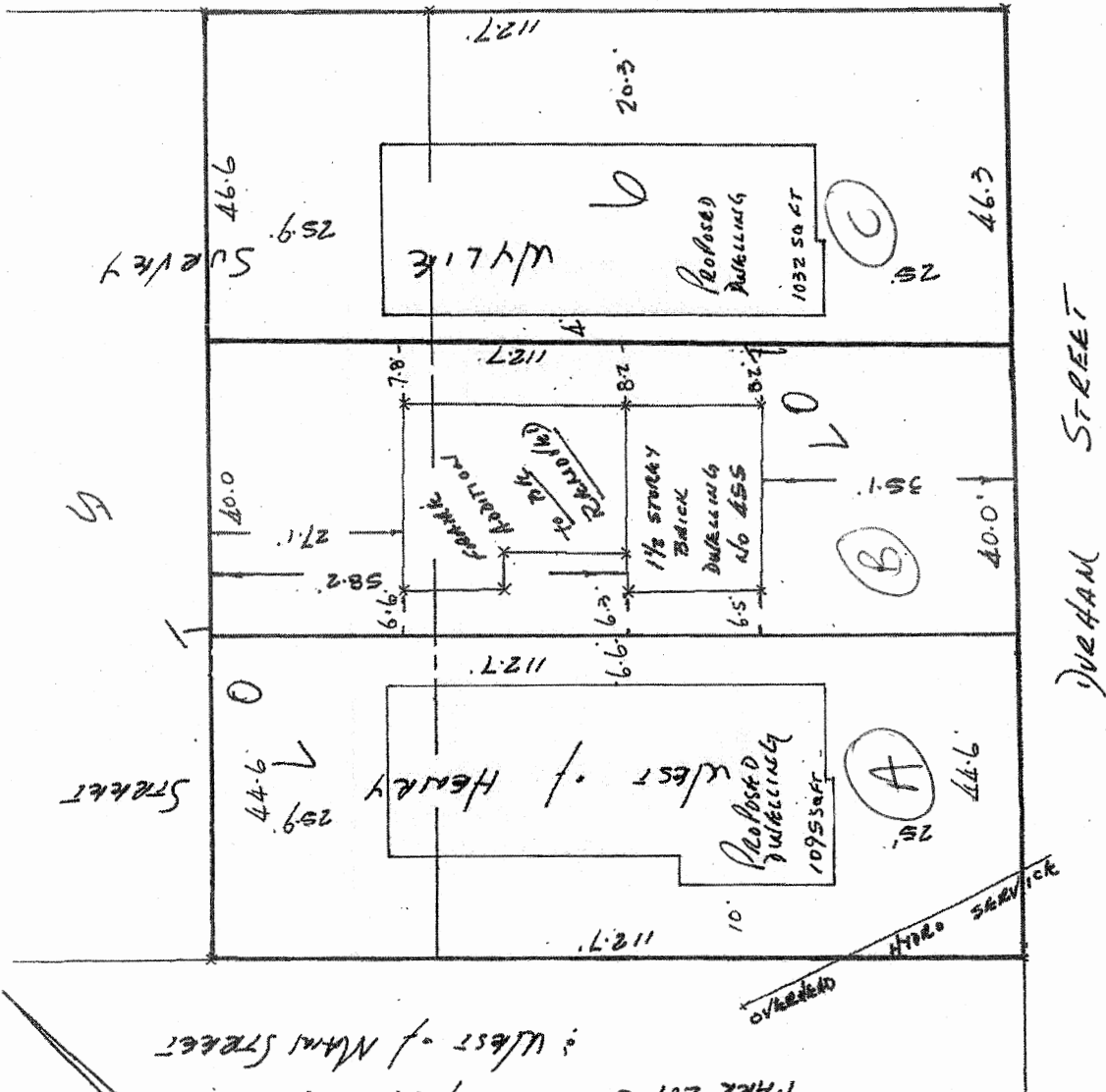
May 9/11
Date

SKETCH IN THE
 (TOWN OF MOUNT FOREST)
 TOWNSHIP OF WILMINGTON NORTH
 1" = 20'

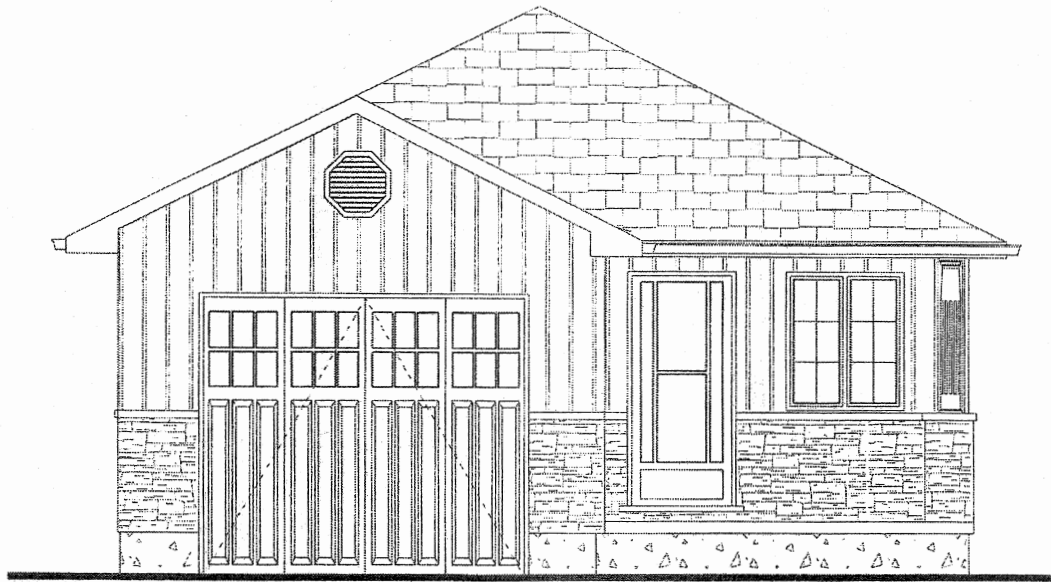
REVISED MAY/11
 AHE/H
 8096

Wylie
 Alex R. Wilson
 SURETY INC.
 MOUNT FOREST
 519 333 2451

HEALEY STREET
 HEALEY STREET



Back Lot 2 North of Dierham Street
 West of Main Street



NOTES:

THESE DRAWINGS MUST BE SIGNED
TO BE VALID FOR PERMIT.
THEY ARE VALID ONLY FOR THE
ORIGINAL ADDRESS
IN THE TITLE BLOCK

The undersigned has reviewed and takes responsibility for this design, and has the qualifications and meets the requirements set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION:
Required unless design is exempt under
Division C-3.2.5.1 of the 2006 O.B.C.

John Vanderwoerd BCIN 21611

REGISTRATION INFORMATION:
Required unless design is exempt under
Division C-3.2.4.1 of the 2006 O.B.C.
Firm Name: Vanderwoerd Drafting & Design
BCIN 36975



Vanderwoerd
Drafting & Design

John Vanderwoerd, M.A.A.T.O.
34 Duke Street, Arthur, Ontario N0G 1A0
www.homes-designs-holds.ca
519-848-2125

DRAWN BY:

JOHN VANDERWOERD,
M.A.A.T.O. BCIN: 21611

CONTRACTOR:

STEVE HUMMEL
1373580 ONT. LTD.

STARTING DATE:

MAY 2, 2011

LAST REVISION DATE:

MAY 2, 2011

CUSTOMER:

DURHAM STREET
MOUNT FOREST

PROJECT:

NEW 1032 SQ. FT. HOME

DRAWING TITLE:

FRONT ELEVATION

DRAWING #:

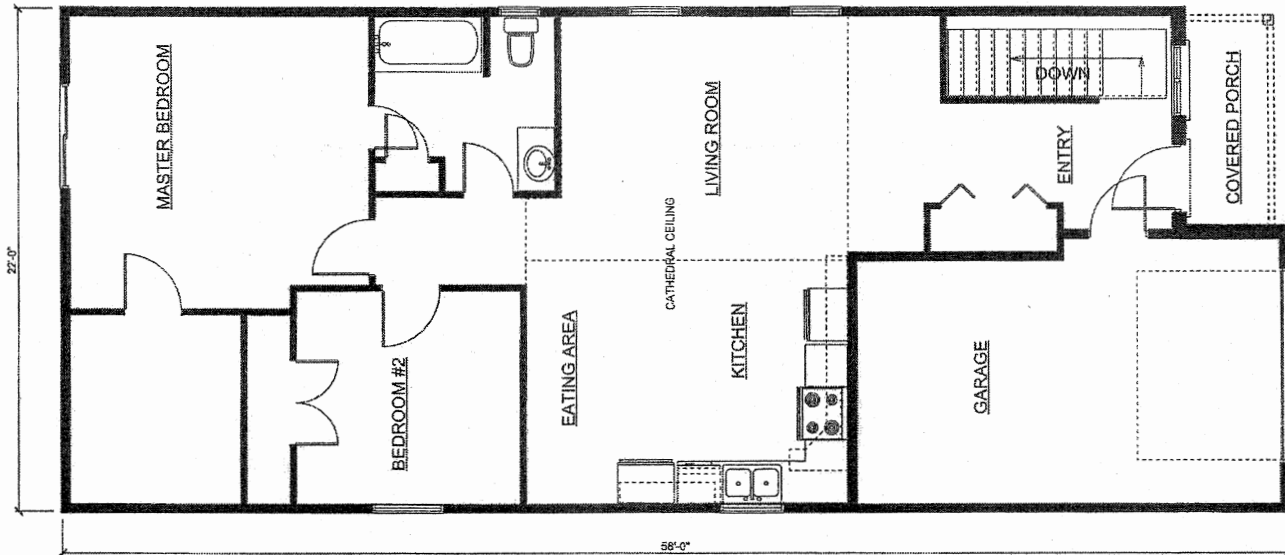
11-J40

SCALE:

1/8" = 1'-0"

PAGE #:

1 OF 2



NOTES:
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 IN THE TITLE BLOCK

The undersigned has reviewed and takes responsibility for this
 design, and has the qualifications and meets the requirements
 set out in the Ontario Building Code to be a designer.

QUALIFICATION INFORMATION
 Required unless design is exempt under
 Division C-3.2.5.1 of the 2008 O.B.C.

John Vanderwoerd BCIN 21611

REGISTRATION INFORMATION
 Required unless design is exempt under
 Division C-3.2.4.1 of the 2008 O.B.C.
 Firm Name: Vanderwoerd Drafting & Design
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Vanderwoerd
 Drafting & Design

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 www.home-design-lein.ca
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DESIGN BY:
JOHN VANDERWOERD,
 M.A.A.T.O. BCIN: 21611

CONTRACTOR
STEVE HUMMEL
 1373580 ONT. LTD.

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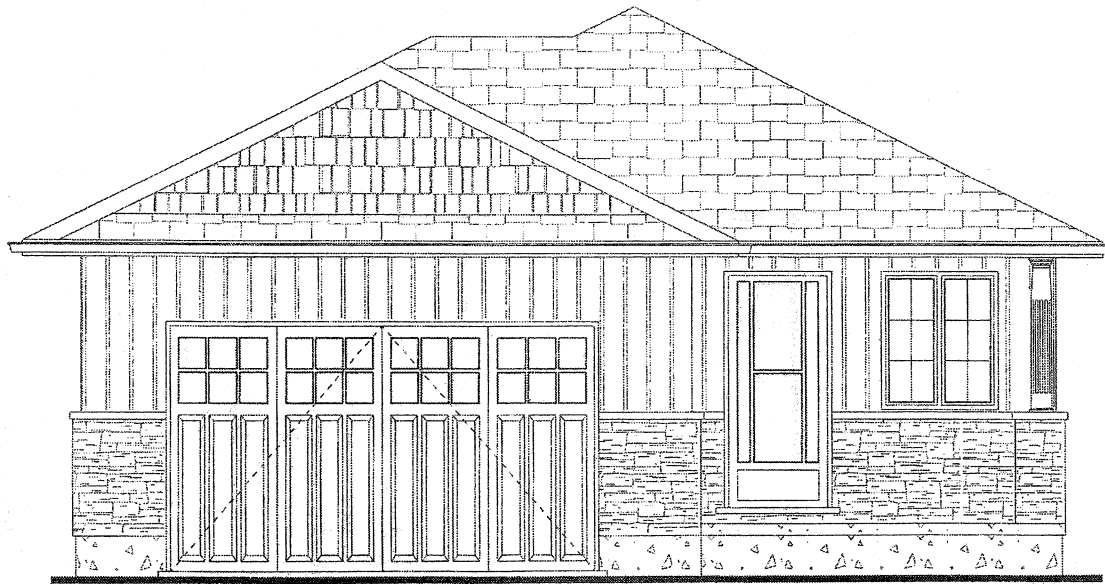
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DRAWING # **11-J40** SCALE PAGE # **2 OF 2**



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BCIN 38975



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Drafting & Design

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1373580 ONT. LTD.

STARTING DATE:

MAY 2, 2011

LAST REVISION DATE:

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CUSTOMER:

DURHAM STREET
MOUNT FOREST

PROJECT:

NEW 1095 SQ. FT. HOME

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FRONT ELEVATION

DRAWING NO.:

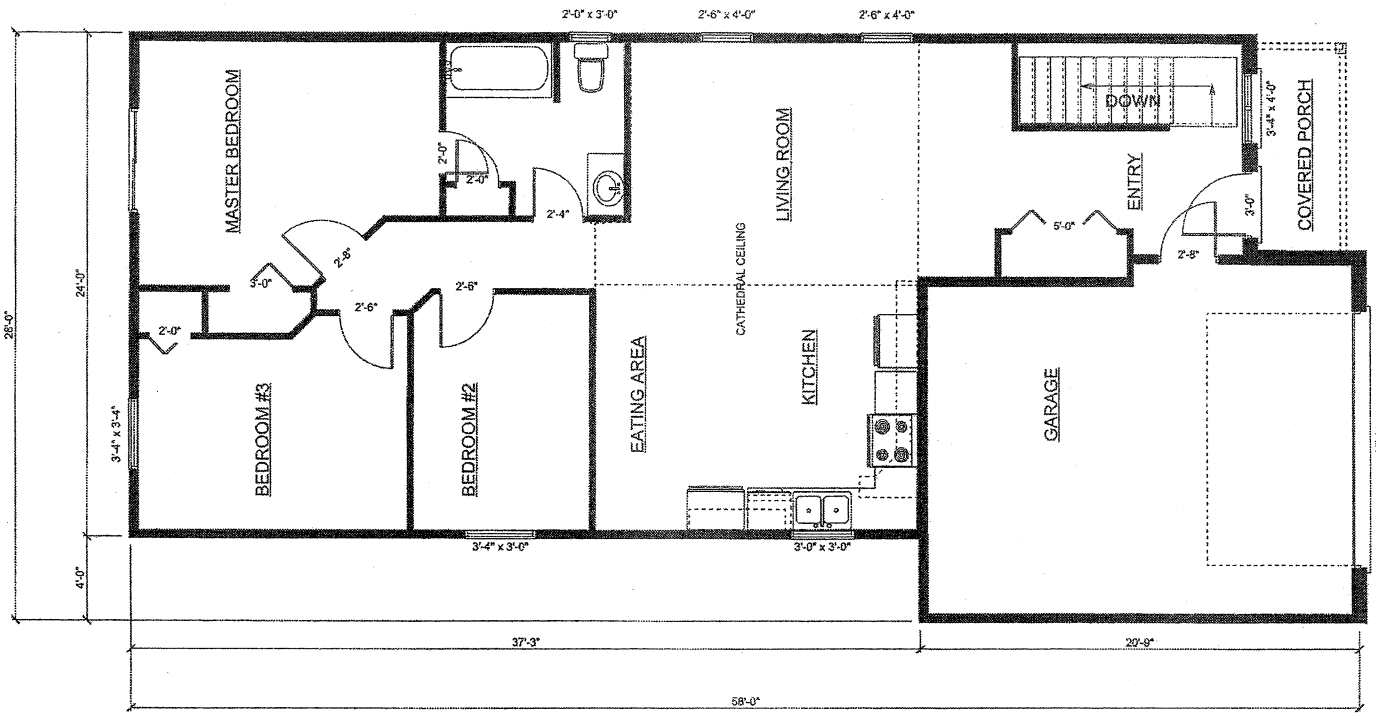
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 1373580 ONT. LTD.

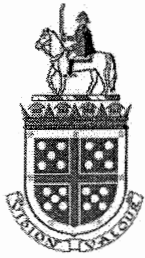
STARTING DATE: MAY 2, 2011	LAST REVISION DATE: MAY 2, 2011
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CUSTOMER:
 DURHAM STREET
 MOUNT FOREST

PROJECT:
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DRAWING TITLE:
 FRONT ELEVATION

DRAWING NO. 11-J40	SCALE:	PAGE NO. 2 OF 2
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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 12, 2011

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

Dear Mr. Jones,

Re: **Minor Variance Application A2/11**
Lot 6, Part Lot 5
455 Durham Street W, Mount Forest
Hummel

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

Planning Opinion: The variances requested would provide relief from sections 11.2.1, 11.2.2, 11.2.4 & 11.2.5 of the Zoning By-law to allow a reduced frontage, lot area, and side yard setbacks to allow the construction of two single detached dwellings.

We have no concerns with the relief requested at this time. The 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, provided that:

- a) The application for the minor variances are approved subject to the attached sketch and,
- b) The approval of consent applications B33/11 and B34/11.

Places to Grow: The Places to Grow policies place emphasis on intensification and optimizing the use of exiting land supplies. Under section 2.2.2.1 which deals with managing growth it states: "population and employment growth will be accommodated by concentrating intensification in intensification areas." Intensification is defined as: "the development of a property, site or area at a higher density than currently exists through...b) the development of vacant and/or underutilized lots within previously developed areas; or c) infill development." The plan further states municipalities are to develop policies and strategies to achieve intensification that will encourage and facilitate intensification. Additionally the municipality should identify the appropriate type and scale of development within these areas.

Wellington County Official Plan: The subject property is designated Residential in the Mount Forest Urban area. 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 Residential (R1C). The applicants are proposing to sever the subject property to create two new residential lots and construct a new single detached bungalow on each new lot. The retained parcel would maintain the current dwelling. The proposed severances and location of the dwellings will create lot area, frontage and side yard deficiencies shown below for the three parcels:

Severed Parcel (A) – Proposed Single Detached Bungalow

	By-Law R1C Regulations	Proposed Dimensions
Lot Frontage, minimum	15.0 m (49.2 ft)	13.6 m (44.6 ft)

Retained Parcel (B) – 1 ½ Storey existing

	By-Law R1C Regulations	Proposed Dimensions
Lot Frontage, minimum	15.0 m (49.2 ft)	12.2 m (40.0 ft)
Lot Area, minimum	465.0 m ² (5005.4 ft ²)	418.7 m ² (4508.0 ft ²)
Interior Side Yard	3.7 m (12.1 ft)	2.4m (7.8 ft)
No attached garage		

Severed Parcel (C) – Proposed Single Detached Bungalow

	By-Law R1C Regulations	Proposed Dimensions
Lot Frontage, minimum	15.0 m (49.2 ft)	14.1 m (46.6 ft)
Exterior Side Yard, minimum	7.6 m (24.9 ft)	6.2 m (20.3 ft)

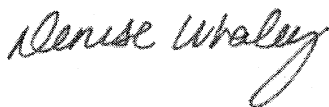
Planning Comments

One of the tests for a minor variance application is whether the variance(s) sought is minor. In this application, 6 variances are being sought; however 3 of these are within the retained parcel which will have relatively minor impacts on the surrounding neighbourhood. For the proposed single detached bungalows, the requested variances would be considered minor.

It may also be useful to note that this property was part of a previous consent application which had provided for only 40 ft of frontage for the proposed Lot A). Because of neighbor concerns at that time it was determined that the proposed lots could be reconfigured to allow for increased lot frontage for Lot A) and a side yard setback of 10 ft, which exceeds the requirement for side yards as per section 11.2.4 of the zoning by-law.

This application is consistent with the policy direction for intensification under the Places to Grow Act, 2005 and to the County of Wellington Growth Strategy in Part 3 of the Official Plan.

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



Denise Whaley, (Hons) B.A.
 Junior Planner



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Darren Jones
Township of Wellington North
7490 Sideroad 7, W
Kenilworth, ON
N0G2E0

May 30, 2011

RECEIVED

JUN 2 2011

TWP. OF WELLINGTON NORTH

ATTENTION: Darren Jones

Dear Mr. Jones:

RE: Proposed Minor Variance A2/11
Part Lot 5 and Lot 6, Wylie Survey
Geographic Town of Mount Forest
Town of Wellington North (Stephen Hummel)

The Saugeen Valley Conservation Authority (SVCA) has reviewed the proposed minor variance in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington with respect to Plan Review. Authority staff provided comments dated March 22, 2011 regarding the associated severances; please refer to that letter for more details on the subject property.

All of the plan review functions listed in the agreement have been assessed with respect to this proposal, the Authority is of the opinion that the proposed minor variance appears to comply with the relevant policies of the County of Wellington Official Plan and Provincial Policies referred to in the agreement.

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

Yours Sincerely,

Erik Downing
Environmental Planning Technician

ED/

cc: Mark Mackenzie, SVCA Director, via email

RECEIVED
MAY 30/11

Conservation
Through
Cooperation

A MEMBER OF



June 6, 2011

Township of Wellington North
Kenilworth, ON

Re: Notice of Public Hearing – Minor Variance Application A2/11

I have been asked by Bill Nelson, who is absent today, to “stand in” for him on behalf of Stuart and Sara Nelson, who are adjacent owners at 311 Henry Street. I read their letters to County of Wellington Planning and Land Division Office dated March 23rd and May 18th. Bob Hill lives next door to the west side, and I read his submissions; and if every member of this Council has not read these presentations, it is fundamentally important that you do this.


This proposed development is substantially inconsistent with the current Township zoning by-law and the established residential development of the area.

The submission is that this is not appropriate for Minor Variance consideration, and you may wish to obtain legal advice as to what is more than “minor”, which is to suggest that a zoning by-law amendment is necessary, not only for this purpose but likely multiple issues of side yard setback will need to be addressed. If the current zoning setback requirements are met for the corner lot, this will require a narrow width house, which will otherwise likely be the subject of a further Minor Variance.

It is important to review Mr. Hill’s letter dated May 13th including his comment that the severance application was supported by Wellington North Council prior to expiry of the period allowed for response from the neighbourhood circulation.

The objection to this proposal is hereby submitted as a matter of record.

Stuart and Sara Nelson



Per Brian Padfield

Received at Committee at Adjustment Meeting
June 6, 2011

Thank you for allowing me to speak to you to-night. To put it candidly I am greatly confused and somewhat frustrated by what has happened. I woke up one morning and there were signs of severence on the lot next door, no surprise so far as I knew the lot had been sold. Soon I received a notice in the mail of proposed severence from the County Land Division Committee, upon receiving this I drove to Kenilworth to get a copy of the zoning by-laws and was kindly given a photo copy of the information I requested by an individual in the Building Dept..

It noted that in a zone R1C-residential 11.2 Regulations

5005.4 sq. ft.

11.2.1 Lot area Minimum

49.2 ft

11.2.2 Lot frontage Minimum

The application was for 1, 50 ft lot and 2, 40 ft lots. I had to file my objection by March, 23/2011. On April 14, at the County meeting, I was frustrated in that, not ONE mention of Wellington North zoning by-laws, all they were basing their decisions on was PROVINCIAL POLICY, hi-density on existing infastructure. Two things happened at this meeting which confused me even more. Mr. Hummel stated that he had approval from twsp. council. He was correct as I found out on Tuesday following that indeed the application had been supported by council 3 days before objections were filed. Why is this?

The other thing was that Councilor Greene changed the application to three different sized lots from what this council supported and it did not, (that I am aware of) have to come back to this council for support. These are two things that I see as taking this council out of the information loop.

To-night there is only one issue, decision, for council. I understand that the applicants have applied for a minor variance for B33/11, and B34/11.

All three lots are undersized for lot frontage, in particular the lot being retained with 40 ft. frontage.

I asked myself the question, "What is a minor variance"? Everyone I asked gave me a different answer, so I went to the best place I could think of for the answer, the internet.

I used this mainly for my information but I would like to share it with you.

Minor Variance.

A minor variance is a special permission that may be granted to a property

owner upon application to the Municipality. A variance, in effect, excuses a land owner from a specific requirement of the Zoning By-law.

Section 45(1) of the Planning Act states that the Committee of Adjustment may authorize a minor variance from the provisions of the Zoning By-law "in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained".

In accordance with the planning act, when evaluating an application for minor variance, Staff and the Committee of Adjustment must consider how the proposal meets the "Four Tests" of a minor variance. Each test must be met in order for the committee to approve an application.

THE FOUR TESTS.

- 1) The variance must be minor
- 2) The variance must be desirable for the appropriate development or use of the land, building or structure.
- 3) The general intent and purpose of the zoning By-law must be maintained
- 4) The general intent and purpose of the Official Plan must be maintained.

Is this request minor? To reduce the frontage from 49.2 > 40 ft. 9.2 ft.

Variance desirable? Is this consistent with lot sizes in the existing neighbourhood?

General intent and purpose of zoning by-laws? Read the attached index and you will see that R1C in section 11 is listed as-Low Density Residential (R1C) Zone.

Official Plan ??

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Points of Clarification.

I have several points or questions that I would like clarification for, from you the COUNCIL. What was your understanding when these issues were discussed.

1. ON March 21 past, Linda Redmond presented to council severance applications B33/11 & B34/11. In her report under Planning Opinion, she wrote " We would have no concerns, provided that servicing, access and zoning relief be provided to the satisfaction of the local municipality".

At the county planning meeting on April 14, Mr Hummel stated that " I have council approval". I found out on the Tuesday following that it was not approved according to municipal staff but was " supported and presented the minutes to me. My Point of clarification is, what does support mean if not approval, and Council Supported ___--, were the councillors saying they supported the application and support the required zoning relief? Zoning relief is not in the " following conditions". How binding is the TERM " We support" in the minutes?

2. You were presented this application on March 21 for SUPPORT, the objections were not officially filed until March 23, two days (actually 3 days) after your decision, are you as a council comfortable with this schedule?

3. Severance application B33/11 & B34/11 have been changed from what this council supported from two of three lots undersized, it is now 3 lots undersized. You are comfortable with unilateral changes made ? I understood from staff it does not have to come back, County can change it.

4. Referring to #1, if I read this "we support"-- clause, that makes my submission to this committee of adjustment mtg redundant.

Thank you
Robert Hill.