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## Committee of Adjustment

Monday, June 25th, 2018

7:00 p.m.

Municipal Office Council Chambers, Kenilworth

### AGENDA

AGENDA ITEM	PAGE NO.
<b><u>CALLING TO ORDER</u></b>	
- Chairman Lennox	
<b><u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u></b>	
<b><u>MINUTES OF PREVIOUS MEETING(S)</u></b>	1
Committee of Adjustment, May 22nd, 2018 (A10-18, A12-18 and A13-18)	
<b><u>APPLICATION A11-18</u></b>	
<b><u>OWNERS/APPLICANT</u></b>	
- Gary and Helana MacDonald	
<b><u>LOCATION OF THE SUBJECT LAND</u></b>	11
The location of the subject property is described as Pt Lot 11, Concession EOSR, Div 2 & 3, RP 60R-2165, Plan 417, BLK 17 (geographic Township of Arthur), with a civic address of 9511 Maas Park Drive. The subject land is approximately 0.44 ha (1.11 acres). The location of the property is shown on the map attached.	

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
<p><b><u>PURPOSE AND EFFECT OF THE APPLICATION</u></b></p> <p>The purpose and effect of the application is to provide relief from the maximum height and floor area requirements and the minimum front yard and interior side yard setback requirements for a proposed accessory structure on the subject land. Other variances may be considered where deemed appropriate.</p> <p><b><u>SECRETARY TREASURER</u></b></p> <p>Notices were mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on June 14th, 2018.</p> <p><b><u>PRESENTATIONS</u></b></p> <p>Curtis Marshall, MCIP, RPP, Senior Planner</p> <ul style="list-style-type: none"><li>- See attached comments</li></ul> <p><b><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></b></p> <ul style="list-style-type: none"><li>- None.</li></ul> <p><b><u>REQUEST FOR NOTICE OF DECISION</u></b></p> <p>Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p><b><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></b></p> <p>Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p>Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p><b><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></b></p>	<p>12</p>

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
<p><b><u>APPLICATION A14-18</u></b></p> <p><b><u>OWNERS/APPLICANT</u></b></p> <ul style="list-style-type: none"><li>- Dale and Angela Eccles</li></ul> <p><b><u>LOCATION OF THE SUBJECT LAND</u></b></p> <p>The location of the subject property is described as Pt Lot 3, geographic Town of Mount Forest, with a civic address of 170 Miller Street, Mount Forest. The subject land is approximately 1,300 m<sup>2</sup> (0.32 acres). The location of the property is shown on the map attached.</p> <p><b><u>PURPOSE AND EFFECT OF THE APPLICATION</u></b></p> <p>The purpose and effect of the application is to provide relief from the minimum rear yard setback requirements for future dwellings on the proposed retained parcel (new semi-detached dwellings) and the proposed severed parcel (new single detached dwelling). Other variances may be considered where deemed appropriate.</p> <p><b><u>SECRETARY TREASURER</u></b></p> <p>Notices were mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on June 14th, 2018.</p>	16
<p><b><u>PRESENTATIONS</u></b></p> <p>Curtis Marshall, MCIP, RPP, Senior Planner</p> <ul style="list-style-type: none"><li>- See attached comments</li></ul> <p><b><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></b></p>	17
<p>Emily Vandermeulen, Risk Management Inspector/Source Protection Coordinator, Wellington Source Water Protection</p> <ul style="list-style-type: none"><li>- See attached comments</li></ul>	20

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<p data-bbox="188 285 862 323"><b><u>REQUEST FOR NOTICE OF DECISION</u></b></p> <p data-bbox="188 365 1268 432">Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p data-bbox="188 474 850 554"><b><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></b></p> <p data-bbox="188 596 1268 663">Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p data-bbox="188 705 1268 772">Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p data-bbox="188 821 1073 858"><b><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></b></p> <p data-bbox="188 907 480 945"><b><u>ADJOURNMENT</u></b></p>	

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
TUESDAY, MAY 22, 2018 – 7:00 P.M.  
A10/18, A12/18 AND A13/18**

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

**Members Present:**

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

**Staff Present:**

**CAO: Michael Givens  
Director of Legislative Services/Clerk: Karren Wallace  
Deputy Clerk: Catherine Conrad  
Economic Development Officer: Dale Small  
Chief Building Official: Darren Jones  
Director of Finance: Adam McNabb  
Director of Operations: Brent Lauber  
Senior Planner: Curtis Marshall**

**THE CHAIRMAN CALLED THE MEETING TO ORDER**

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

No pecuniary interest reported.

**MINUTES OF PREVIOUS MEETING(S)**

**RESOLUTION NUMBER CoA 2018-17**

**Moved by: Member Yake**

**Seconded by: Member Hern**

*THAT the Committee of Adjustment meeting minutes of February 26, 2018 – A08/18 and A09/18 be adopted as presented.*

**CARRIED**

**APPLICATION A10/18**

**Owners/Applicant: Rita Kligenmaier**

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

**The purpose and effect** of the application is to provide relief from the maximum floor area requirements for an accessory structure to recognize an existing 285 m<sup>2</sup> (3,067 ft<sup>2</sup>) drive shed on the subject lands. This relief is to satisfy a condition of consent application B170/17, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a 40.5 ha (100 ac) agricultural parcel and merge it with an abutting agricultural parcel. The retained parcel is 0.9 ha (2.2 ac) and contains the existing dwelling and drive shed.

**NOTICE OF THIS MEETING** was mailed to property owners within 60 m of the subject property as well as the applicable agencies and signage posted on the subject property on May 11, 2018 pursuant to the provisions of the Planning Act.

### **PRESENTATION**

Curtis Marshall, Senior Planner, reviewed comments prepared by the County of Wellington Planning and Development Department, dated May 15, 2018.

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

**Planning Opinion:** The variance requested is to provide relief for an increased floor area of an accessory structure on the property. The applicant is requesting permission to recognize the existing 285 m<sup>2</sup> (3067 ft<sup>2</sup>) drive shed, where the by-law permits a 102.2 m<sup>2</sup> (1,100 ft<sup>2</sup>) accessory structure on the proposed new lot size. This variance is a condition of consent application B170/17, that was granted provisional approval by the Wellington County Land Division Committee.

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

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

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

### **SUBJECT PROPERTY AND LOCATION**

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

**PROPOSAL**

The purpose of this application is to provide relief for an increased floor area of an accessory structure on the property. The applicant is requesting permission to recognize the existing 285 m<sup>2</sup> (3067 ft<sup>2</sup>) drive shed. This variance is a condition of severance application B170/17, that was granted provisional approval by the Wellington County Land Division Committee. The Consent will sever a 40.5 ha (100 ac) agricultural parcel and merge it with an abutting agricultural parcel. The retained parcel is 0.9 ha (2.2 ac) and contains the existing dwelling and drive shed.

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

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

The subject property is zoned Agricultural (A). The applicants are proposing to recognize the existing drive shed as a condition of consent application. The proposed retained lot is 0.9 ha (2.2 ac) which allows for a 112.2 m<sup>2</sup> (1,100 ft<sup>2</sup>) accessory building, where there is an existing 285 m<sup>2</sup> (3067 ft<sup>2</sup>) drive shed on the lot. The drive shed is set behind the main dwelling on the lot and is set back from neighboring properties in the area. There are trees along the edge of the building which screen it from the road.

The variance requested would provide relief from Section 6.1.4 b) of Zoning By-law 66-01 to allow for an increased ground floor area of 285 m<sup>2</sup> (3067 ft<sup>2</sup>) for an accessory structures, where the by-law permits 112.2 m<sup>2</sup> (1100 ft<sup>2</sup>) on a 0.9 ha (2.2 ac) lot.

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

**CORRESPONDENCE/COMMENTS RECEIVED**

No correspondence received.

**REQUEST FOR NOTICE OF DECISION**

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

**CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS**

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

The applicant's agent, Hailey Keast, Van Harten Surveying, was present. She requested clarification on the suggested condition. Curtis Marshall, Senior Planner stated that the accessory structure is not to be used for commercial business.

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

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

**COMMENTS/QUESTIONS FROM THE COMMITTEE**

There were no comments or questions from the Committee.

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

**RESOLUTION NUMBER CoA 2018-1**

Moved by: Member Hern

Seconded by: Member McCabe

*THAT the minor variance applied for in Application A10/18, for the property described as Part Lot 20, Concession 10, Geographic Arthur Township (8891 Concession 11), to provide the following relief:*

1. *THAT a ground floor area of 285 m<sup>2</sup> (3067 ft<sup>2</sup>) for accessory structures be permitted, whereas the by-law permits 112.2 m<sup>2</sup> (1100 ft<sup>2</sup>) on a 0.9 ha (2.2 ac) lot.*

*be authorized.*

**CARRIED**

**APPLICATION A12/18**

**Owners/Applicant: William and Shirley Machan**

**The location of the subject property** is described as Part Lot 6, Concession 12, Registered Plan No. 61R-21305 (geographic Township of Arthur), with a civic address of 6804 Sideroad 3 W. The subject land is approximately 0.99 ha (2.44 acres).

**The purpose and effect** of the application is to provide relief from the minimum lot area requirements for both the severed and retained parcel. This relief is to satisfy a condition of severance application B134/17, that was granted provisional approval by the Wellington County Land Division Committee. The consent will sever a vacant 1.1 ac (0.4 ha) parcel from the retained 1.3 ac (0.42 ha) parcel which has an existing dwelling and accessory building.

**NOTICE OF THIS MEETING** was mailed to property owners within 60 m of the subject property as well as the applicable agencies and signage posted on the subject property on May 11, 2018 pursuant to the provisions of the Planning Act.

### **PRESENTATION**

Curtis Marshall, Senior Planner, reviewed comments prepared by the County of Wellington Planning and Development Department, dated May 15, 2018.

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

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

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

### **SUBJECT PROPERTY AND LOCATION**

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

### **PROPOSAL**

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

**WELLINGTON COUNTY OFFICIAL PLAN**

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

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

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

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

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

Mr. Marshall stated that he has spoken with the surveyor and confirmed that the severed lot will be .4 ha and the retained will be 6 ha.

**CORRESPONDENCE/COMMENTS RECEIVED**

Michael Oberle, Environmental Planning Technician, SVCA  
- No objection.

**REQUEST FOR NOTICE OF DECISION**

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

**CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS**

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

The applicant was not present to answer.

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

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

**COMMENTS/QUESTIONS FROM THE COMMITTEE**

No comments or questions from the Committee.

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

**RESOLUTION NUMBER CoA 2018-19**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the minor variance applied for in Application A12/18, for property described as Part Lot 6, Concession 12, Geographic Arthur Township (6804 Sideroad 3 West) to provide the following relief:*

1. *THAT a minimum lot area for the retained of 0.6 ha (1.48 ac) be permitted, whereas section 14.2.1 of the By-law requires 0.8 ha (2 ac).*
2. *THAT a minimum lot area for the severed of 0.4 ha (0.99 ac) be permitted, whereas section 14.2.1 of the By-law requires 0.8 ha (2 ac).*

*be authorized.*

**CARRIED**

**APPLICATION A13/18**

**Owners/Applicant: Karl Aitken Carpentry & General Contracting Ltd.**

**The location of the subject property** is described as Part Lot 7 & 8, Registered Plan No. 60R-20624 (geographic Town of Mount Forest), with a civic address of 330 Cork Street, Mount Forest. The subject land is approximately 2347 m<sup>2</sup> (0.58 acres).

**The purpose and effect** of the application is to provide relief from the minimum front yard and minimum interior side yard setback requirements to construct a semi-detached dwelling. The applicants are also requesting relief from the minimum setback requirements to a municipal drain for the semi-detached dwelling. Other variances may be considered where deemed appropriate.

**NOTICE OF THIS MEETING** was mailed to property owners within 60 m of the subject property as well as the applicable agencies and signage posted on the subject property on May 11, 2018 pursuant to the provisions of the Planning Act.

### **PRESENTATION**

Curtis Marshall, Senior Planner, reviewed comments prepared by the County of Wellington Planning and Development Department, dated May 15, 2018.

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

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

We have no concerns with the relief requested, and are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law provided that Saugeen Valley Conservation Authority has no concerns with the request. The proposed semi-detached dwelling would be desirable and appropriate for the development of the subject property.

### **SUBJECT PROPERTY AND LOCATION**

The location of the subject property is described as Part Lot 7 & 8, Registered Plan 60R-20624 (geographic Town of Mount Forest), with a civic address of 330 Cork Street. The subject land is approximately 2347 m<sup>2</sup> (0.58 ac). The location of the property is shown on Figure 1.

### **PROPOSAL**

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

### **WELLINGTON COUNTY OFFICAL PLAN**

The subject property is designated RESIDENTIAL. Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be

given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

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

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

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

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

**CORRESPONDENCE/COMMENTS RECEIVED**

Emily Vandermeulen, Risk Management Inspector/Source Protection Coordinator, Wellington Source Water Protection

- No comment

Jim Klujber, Chief Operating Officer, Wellington North Power Inc.

- Applicant to contact Wellington North Power Inc. prior to completion of site plans to request electrical service requirements

**REQUEST FOR NOTICE OF DECISION**

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

**CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS**

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

Karl and Joanne Aitken, the applicants, were present to answer any questions regarding their application.

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

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

### **COMMENTS/QUESTIONS FROM THE COMMITTEE**

No comments or questions from the Committee.

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

### **RESOLUTION NUMBER CoA 2018-20**

Moved by: Member McCabe

Seconded by: Member Burke

*THAT the minor variance applied for in Application A13/18 for property described as Part Lot 7 & 8, Plan 60R-20624, Geographic Town of Mount Forest (330 Cork Street) to provide the following relief:*

1. *THAT a minimum setback to the top of bank of a watercourse of 10.4 m (34.1 ft) be permitted, whereas section 6.20.2.(c) of the By-law requires 15 m (49.2 ft).*
2. *THAT a minimum front yard setback of 6 m (19.7 ft) be permitted, whereas section 12.2.2.5 of the By-law requires 7.6 m (24.9 ft).*
3. *THAT a minimum interior side yard setback of 1.2 m (3.9 ft) be permitted, whereas section 12.2.2.6 of the By-law requires 1.8 m (5.9 ft) for a residential dwelling of more than one storey.*

*be authorized.*

**CARRIED**

### **ADJOURNMENT**

### **RESOLUTION NUMBER CoA 2018-21**

Moved by: Member Hern

Seconded by: Member Yake

*THAT the Committee of Adjustment meeting of May 22, 2018 be adjourned at 7:50 p.m.*

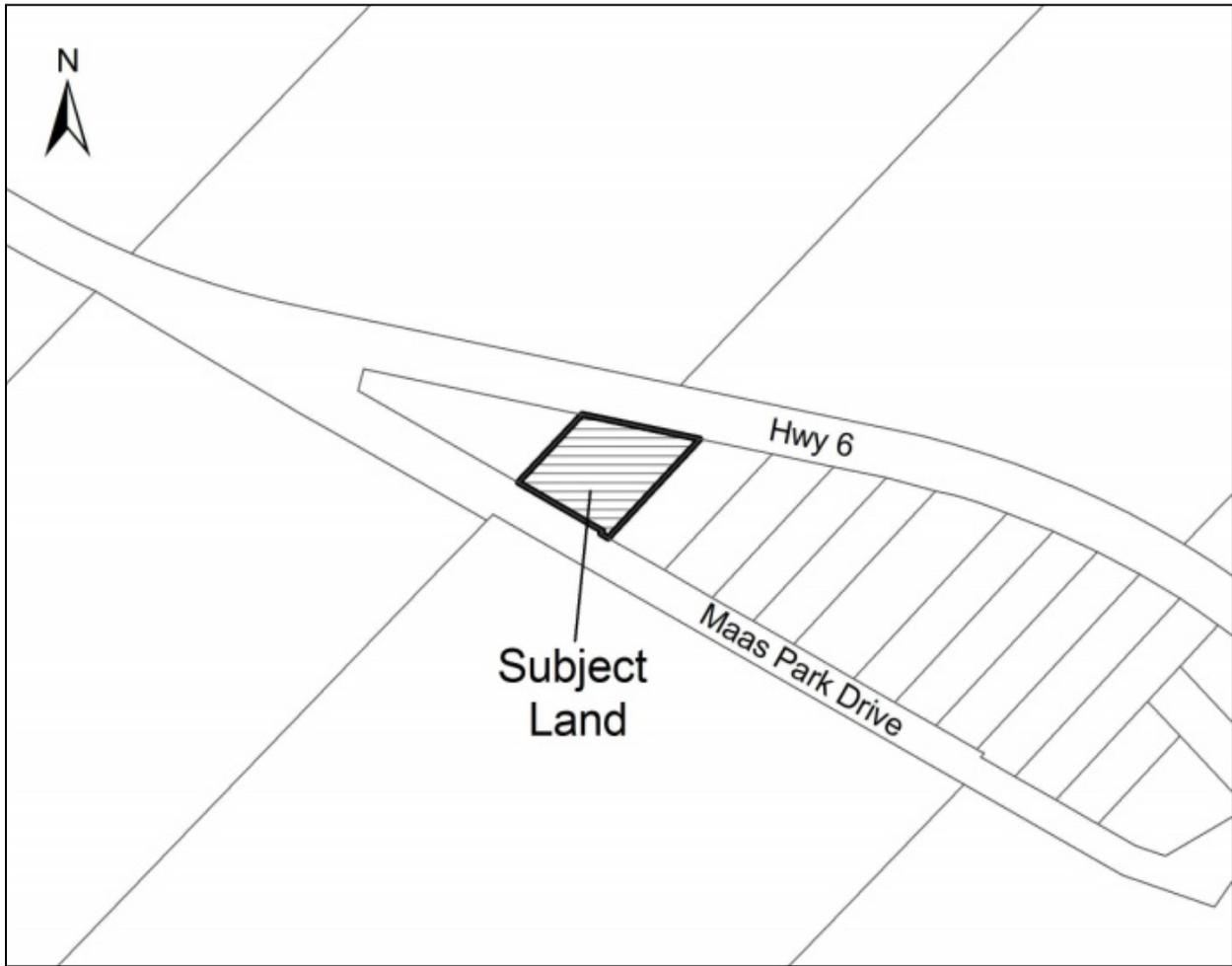
**CARRIED**

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Secretary Treasurer

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Chair



**A11-18 – Gary and Helana MacDonald**



## COUNTY OF WELLINGTON

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

June 19, 2018

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

Dear Mr. Jones,

Re: **Minor Variance Application A11/18**  
**Part Lot 11, Concession EOSR, Div 2 & 3**  
**Plan 417, BLK 17**  
**9511 Maas Park Drive, Arthur**  
**Gary & Helena Macdonald**

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

**Planning Opinion:** The variance requested is to provide relief from the maximum height, floor area, and minimum front yard setback requirements for a proposed accessory structure on the subject land. The applicants are requesting to construct a 223 m<sup>2</sup> (2400 ft<sup>2</sup>) accessory structure with a height of 5.6 m (18.375 ft) and to be located 3m (10 ft) from the front yard lot line. The current zoning provisions permit a 92.9 m<sup>2</sup> (1000 ft<sup>2</sup>) accessory structure with a maximum height of 4.5m (14.8 ft) and a minimum front yard setback of 18.3 m (60 ft).

It is Planning Staff's opinion that the proposed garage is too large in size, too high, and too close to the front lot line on the property. We note that Council has recently approved a zoning by-law amendment (pending house-keeping amendment) which doubled the permitted accessory building size to 185 m<sup>2</sup> (2000 ft<sup>2</sup>) on a 0.4 ha (1 ac) lot which would be a more appropriate size for the lot. There also appears to be additional room available to move the proposed building further back from the road. The requested increase to height is not significant in itself, but when combined with the larger building size and the close proximity to the road is not appropriate for, and compatible with the neighbourhood.

Consideration could be given to reduce the proposed size and height of the garage in order for it to be more appropriately sized on the lot and for the neighbourhood.

The Committee should be satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is desirable and appropriate for the development of

the subject property and is minor. In addition, the Committee should be satisfied that the proposed accessory building is intended for personal use and not for commercial purposes. Planning Staff recommend that the Committee apply the following condition if the application is approved:

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

### SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Part Lot 11, Concession EOSR, Div 2 & 3, RP 60R-2165, Plan 417, BLK 17 (geographic Township of Arthur), with a civic address of 9511 Maas Park Drive. The subject land is approximately 0.44 ha (1.1 acres). The location of the property is shown on Figure 1 below.



**Figure 1: Aerial photo showing proposed accessory building**

### PROPOSAL

The variance requested is to provide relief from the maximum height, floor area, and minimum front yard setback requirements for a proposed accessory structure on the subject land. The applicants are requesting to construct a 223 m<sup>2</sup> (2400 ft<sup>2</sup>) accessory structure with a height of 5.6 m (18.375 ft) and to be located 3m (10 ft) from the front yard lot line. The current zoning provisions permit a 92.9 m<sup>2</sup> (1000 ft<sup>2</sup>) accessory structure with a maximum height of 4.5m (14.8 ft) and a minimum front yard setback of 18.3 m (60 ft).

### WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated COUNTRY RESIDENTIAL. Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land.

Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

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

The subject property is zoned Unserviced Residential with a site specific (R1A-8). The applicants are proposing to construct an accessory structure with an increased ground floor area, height and a reduced front yard setback.

The variance requested would provide relief from the following:

Section 6.1.4 b) of Zoning By-law 66-01 to allow for an increased ground floor area of 223 m<sup>2</sup> (2400 ft<sup>2</sup>) for an accessory structures, where the by-law permits 92.9 m<sup>2</sup> (1000 ft<sup>2</sup>) on a 0.4 ha (1 ac) lot.

Section 6.1.3 of Zoning By-law 66-01 to allow for an increased building height of 5.6 m (18.375 ft) for an accessory structure, where the by-law permits 4.5 m (14.8 ft).

Section 6.1.2 c) of Zoning By-law 66-01 to allow for a reduced front yard setback of 3 m (10 ft) for the accessory structure, where the by-law permits 18.3 m (60 ft).

Accessory Structure	Permitted	Proposed	Difference
<b>Maximum Ground Floor Area</b> (Section 6.1.4 b)	92.9 m <sup>2</sup> (1000 ft <sup>2</sup> )	223 m <sup>2</sup> (2400 ft <sup>2</sup> )	130.1 m <sup>2</sup> (1400 ft <sup>2</sup> )
<b>Maximum Building Height</b> (Section 6.1.3)	4.5 m (14.8 ft)	5.6 m (18.375 ft)	1.1 m (3.575 ft)
<b>Minimum Front Yard Setback</b> (Section 6.1.2 c)	18.3 m (60 ft)	3 m (10 ft)	15.3 m (50 ft)

**PLANNING DISCUSSION**

The Township Zoning By-law house-keeping amendment was recently approved by Council and is still in the appeal period. Staff have reviewed this application while taking into consideration both the old by-law requirements and the new requirements that were recently approved and are pending. The applicants have indicated that the septic system location has restricted the accessory building location to the west of the house, and that there is limited room in front of the house to move it back from the front lot line. The applicants have also indicated that the increased size and height is needed to provide storage for their larger F350 truck and lawnmowers.

The applicant has requested an increased ground floor area of 223 m<sup>2</sup> (2400 ft<sup>2</sup>), where the new by-law has increased the permitted ground floor area to 185 m<sup>2</sup> (2000 ft<sup>2</sup>) for a 0.4 ha (1 ac) parcel.

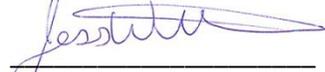
The applicant has also requested a reduced front yard setback of 3 m (10 ft). The subject property has a site-specific zoning which has established a front yard setback to 18.3 m (60 ft) for the Maas Park Drive subdivision, where 9 m (29.5 ft) is normally permitted in an Unserviced Residential (R1A) Zone. As part of the housekeeping amendment, the accessory building standards were updated to require that all accessory buildings be located to the rear of dwellings in the R1A zone. Presently, accessory buildings are permitted in front of main dwellings as long as the minimum front yard setback is maintained. In the air photo provided above (Figure 1), Planning Staff have labelled a 185 m<sup>2</sup> (2000 ft<sup>2</sup>) building in blue

approximately 9 m (29.5 ft) from the road as an example of a more appropriately sized and located building for Council's consideration.

In terms of height, the requested increase is not significant in itself, but when combined with the larger building size and the close proximity to the road is not appropriate for, and compatible with the neighbourhood.

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

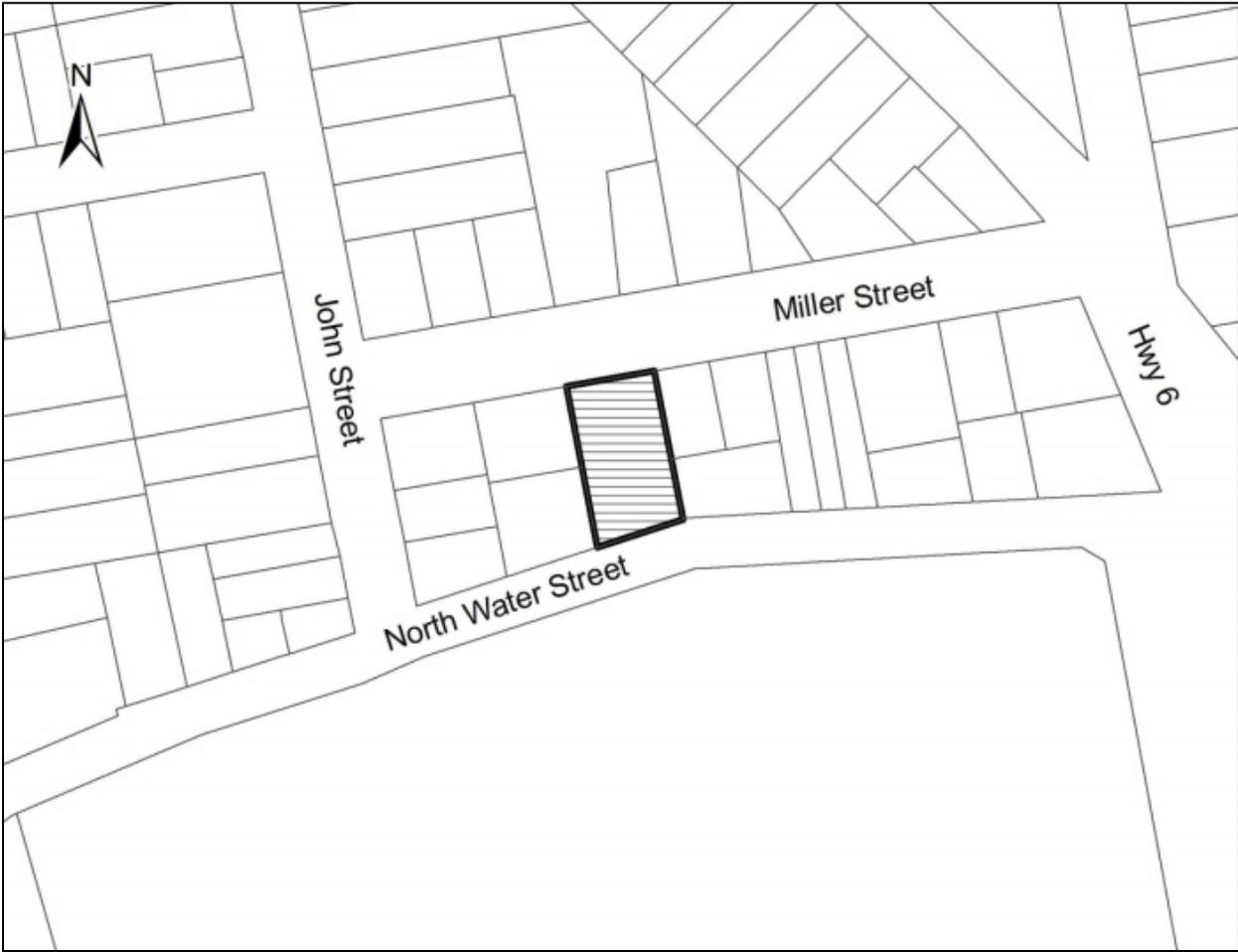
Yours truly,



Jessica Wilton, Junior Planner



Curtis Marshall, MCIP, RPP  
Senior Planner



**A14-18 – Dale and Angela Eccles**



# COUNTY OF WELLINGTON

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

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

June 18, 2018

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

Dear Mr. Jones,

Re: **Minor Variance Application A14/18**  
**Part Lot 3**  
**170 Miller Street, Mount Forest**  
**Dale and Angela Eccles**

**Planning Opinion** The variance requested would provide relief from the minimum rear yard setback requirements for future semi-detached dwellings on the proposed severed parcel and proposed single detached dwelling on the retained parcel. The applicant is proposing to construct new single detached dwelling with a reduced rear yard setback of 6.6 m (21.6 ft) and new semi-detached dwelling (2 units) with a reduced rear yard setback of 6.22 m (20.4 ft), where the required setback is 7.5 m (24.6 ft).

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

### SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Part Lot 3 (geographic Town of Mount Forest), with a civic address of 170 Miller Street. The subject land is approximately 1,300 m<sup>2</sup> (0.32 ac). The location of the property is shown on Figure 1.

### PROPOSAL

The purpose of this application is to provide relief from the minimum rear yard setback requirements for future dwellings on the proposed retained parcel (new single detached dwellings) and the proposed severed parcel (new semi-detached dwelling).

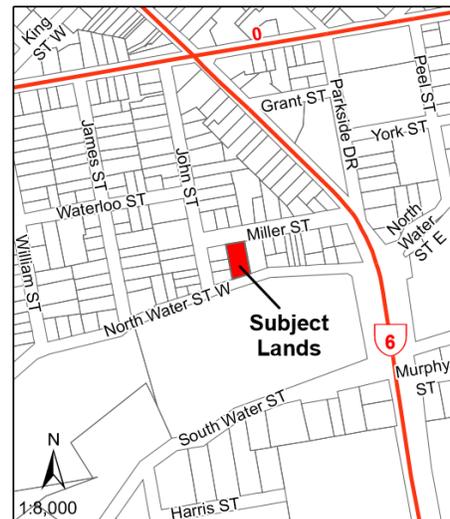


Figure 1: Subject Lands

## WELLINGTON COUNTY OFFICIAL PLAN

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

## TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Medium Density Residential (R2), which permits single detached and semi-detached residential dwellings. The applicants are proposing to construct a single detached dwelling on the vacant retained parcel with a reduced rear yard setback of 6.6 m (21.6 ft) and construct semi-detached dwelling (2 units) on the severed parcel with a reduced rear yard setback of 6.22 m (20.4 ft).

Consent application B36/18 was conditionally approved on May 10, 2018 to sever the lot in two. (See Figure 2) The consent application demonstrated zoning compliance if the existing dwelling is demolished. The applicant has indicated that they plan to build a single detached dwelling on the vacant retained parcel and once that is complete demolish the existing dwelling and build a semi-detached dwelling on the severed parcel. This application is not a condition of consent application B36/18, but has been requested by the applicant to facilitate future building permit.

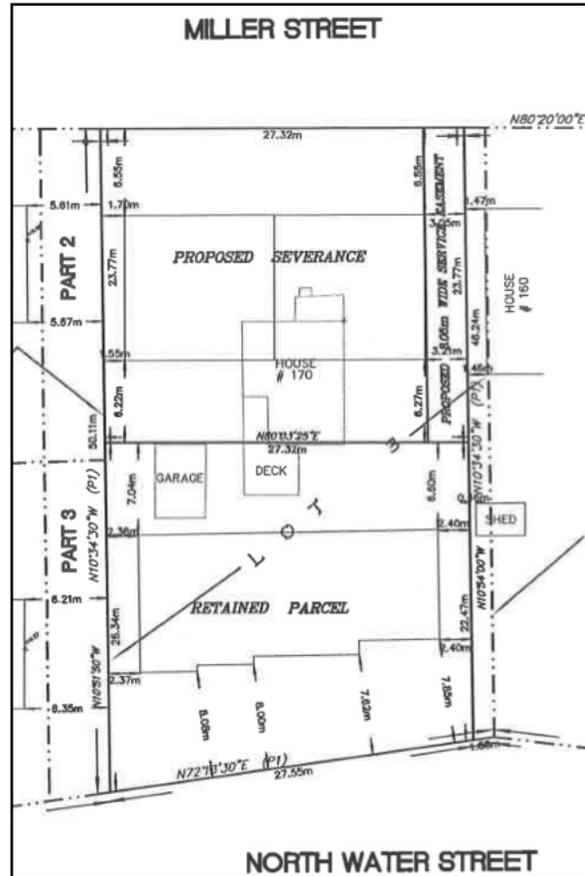


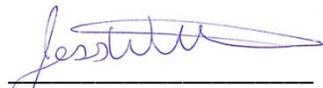
Figure 2: Site Plan

The variance requested would provide relief from Section 12.2.1.6 of Zoning By-law 66-01 to construct a single detached dwelling with a reduce rear yard setback of 6.6 m (21.6 ft) where the by-law requires 7.6 m (24.9 ft), and relief from Section 12.2.2.8 of Zoning By-law 66-01 to construct semi-detached dwelling (2 units) with a reduced rear yard setback of 6.22 m (20.4 ft) where the by-law requires 7.6 m (24.9 ft).

	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Single Detached Dwelling Rear Yard Setbacks</b> (Section 12.2.1.6)	7.6 m (24.9 ft)	6.6 m (21.6 ft)	1 m (3.3 ft)
<b>Semi-Detached Dwelling Rear Yard Setback</b> (Section 12.2.2.8)	7.6 m (24.9 ft)	6.22 m (20.4 ft)	1.38 m (4.5 ft)

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

Yours truly,



\_\_\_\_\_  
Jessica Wilton, Junior Planner



\_\_\_\_\_  
Curtis Marshall, MCIP, RPP  
Senior Planner

## Darren Jones

---

**From:** Tammy Pringle  
**Sent:** Monday, June 18, 2018 9:08 AM  
**To:** Darren Jones  
**Subject:** FW: NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE: Dale & Angela Eccles  
**Attachments:** WHPA\_Map\_170MillerSt.pdf

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**From:** Emily Vandermeulen [<mailto:EVandermeulen@centrewellington.ca>]  
**Sent:** Friday, June 15, 2018 10:13 AM  
**To:** Tammy Pringle; COUNCIL; WELLINGTONNORTH; 'wellington.north@svca.on.ca'  
**Cc:** Source Water  
**Subject:** Re: NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE: Dale & Angela Eccles

Hi Tammy,

We have reviewed the Notice and since this property is located in the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan area and is municipally serviced (water and sewer), it does not require a Section 59 notice under the Clean Water Act.

I have attached a map showing the property and Wellhead Protection Areas for your reference.

If you have any further questions regarding this application, please contact me.

Emily Vandermeulen | Risk Management Inspector / Source Protection Coordinator

Wellington Source Water Protection | 7444 Wellington Road 21, Elora, ON, N0B 1S0  
519.846.9691 x365 | [evandermeulen@centrewellington.ca](mailto:evandermeulen@centrewellington.ca) | [www.wellingtonwater.ca](http://www.wellingtonwater.ca)  
Toll free: 1.844.383.9800

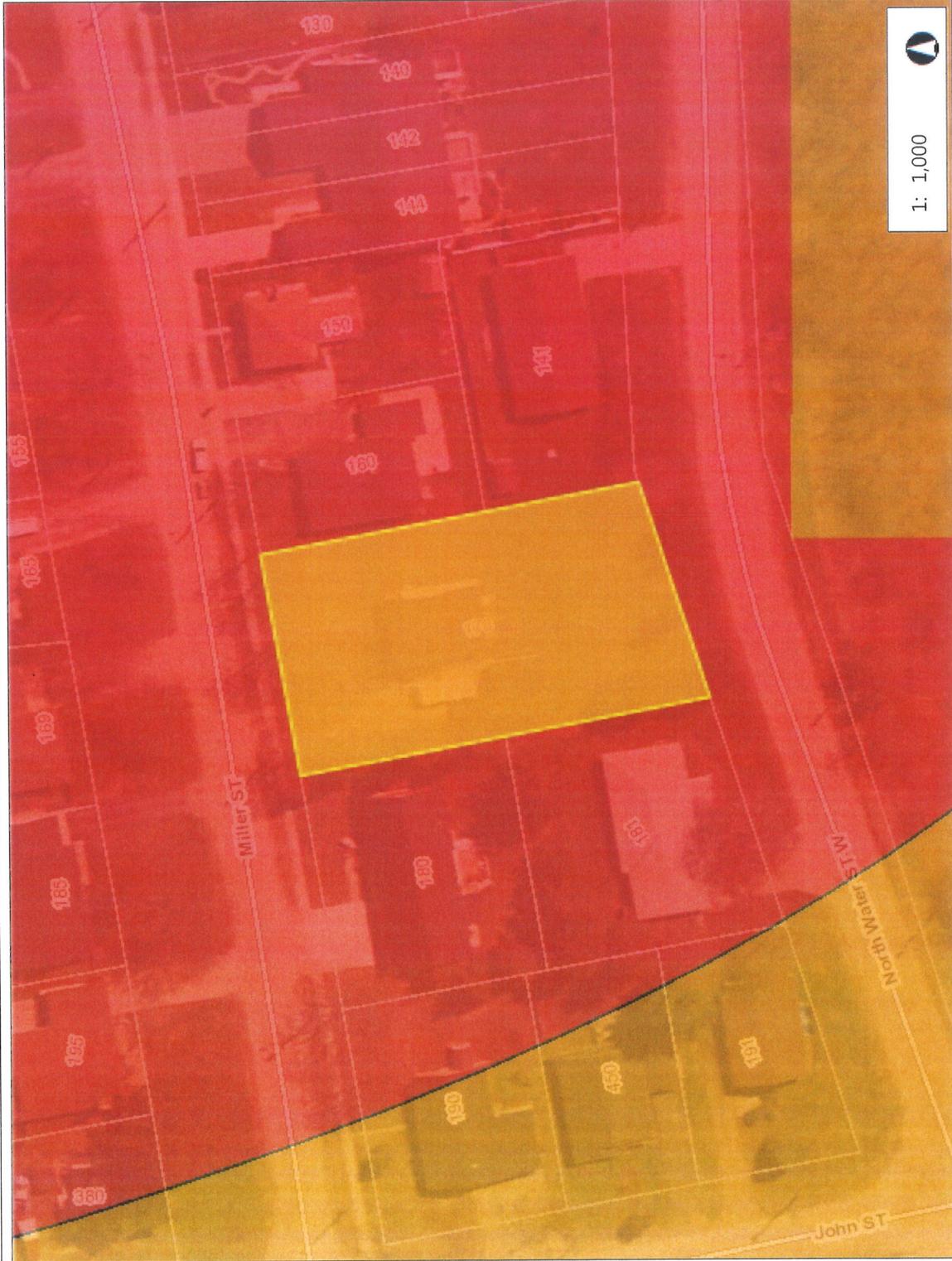
Emily Vandermeulen | Risk Management Inspector / Source Protection Coordinator

Wellington Source Water Protection | 7444 Wellington Road 21, Elora, ON, N0B 1S0  
519.846.9691 x365 | [evandermeulen@centrewellington.ca](mailto:evandermeulen@centrewellington.ca) | [www.wellingtonwater.ca](http://www.wellingtonwater.ca)  
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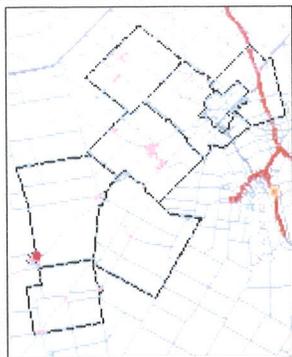
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# 170 Miller Street, Mount Forest



1: 1,000

**Legend**

- Well Locations
- Wellhead Protection Area Bou
  - A
  - B
  - C
  - D
- Vulnerability Score
  - 10
  - 8
  - 2, 4, 6 (A, B or C)
  - 2, 4, 6 (D)
- Parcels
- Roads
  - Local Road
  - County Road
  - Highway
- Conservation Authority Bounde
- Municipalities

**Notes**

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. Produced using information under License with the Grand River Conservation Authority. Copyright © Grand River Conservation Authority, 2016

0.1 0 0.03 0.1 Kilometers



THIS IS NOT SURVEY DATA. Parcels - Teranet 2002, Wellington County 2016

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