



# Township of Wellington North

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

## Public Meeting

Monday, July 15th, 2013 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

## A G E N D A

Page 1 of 8

AGENDA ITEM	PAGE NO.
<p><b>The Mayor will call the meeting to order.</b></p> <p><b>Declaration of Pecuniary Interest.</b></p> <p><b>Owners/Applicant: Joseph Harold Fluney</b></p> <p><b>Location of the Subject Land</b> The property subject to the proposed amendment is described as Part of Lot 22, Concession A with a civic address of 7595 Highway 6. The property is approximately 1.27 ha (3.14 ac.) in size and the location is shown on the map attached.</p> <p><b>The Purpose and Effect of the Application</b> The purpose and effect of the proposed amendment is to amend the site specific zoning on the subject lands to recognize the existing use of a welding shop and to allow a 2400 sq.ft. addition to the existing building currently utilized by the welding business. Other variances to the required setbacks may be considered.</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p> <ol style="list-style-type: none"><li>1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on June 21, 2013.</li><li>2. Application for Zoning By-law Amendment</li></ol>	<p>1</p> <p>2</p>

AGENDA ITEM	PAGE NO.
3. Presentations by: <ul style="list-style-type: none"><li>- Linda Redmond, Senior Planner</li><li>- See attached comments and draft by-law</li></ul>	11
4. Review of Correspondence received by the Township: <ul style="list-style-type: none"><li>- None</li></ul>	
5. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.	
6. Mayor opens floor for any questions/comments.	
7. Comments/questions from Council.	

AGENDA ITEM	PAGE NO.
<p><b>Owners/Applicant: Leslie Eccles and Sheila Eccles</b></p> <p><b>Location of the Subject Land</b>                      The property subject to the proposed amendment is described as N1/2 Lot 10, Concession 14 with a civic address of 8405 Highway 89. The property is 40.7 hectares (100.6 acres) in size and the location is shown on the map attached.</p> <p><b>The Purpose and Effect of the Application</b>                      The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, “retained” portion of the property. Additional relief from the zoning by-law is being requested to permit an oversized shed. The owner is proposing to remove the existing barn and shed and construct a 3600 sq.ft. accessory structure. This rezoning is a condition of severance application B25/13 under the surplus farm dwelling policies that was granted provisional approval by the Wellington County Land Division Committee May 9<sup>th</sup>, 2013.</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p> <p>8. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on June 21, 2013.</p>	<p>16</p>
<p>9. Application for Zoning By-law Amendment</p>	<p>17</p>
<p>10. Presentations by:</p> <ul style="list-style-type: none"> <li>- Jameson Pickard, Junior Planner</li> <li>- See attached comments and draft by-law</li> </ul>	<p>27</p>
<p>11. Review of Correspondence received by the Township:</p> <ul style="list-style-type: none"> <li>- None</li> </ul> <p>12. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.</p>	

AGENDA ITEM	PAGE NO.
13. Mayor opens floor for any questions/comments.	
14. Comments/questions from Council	

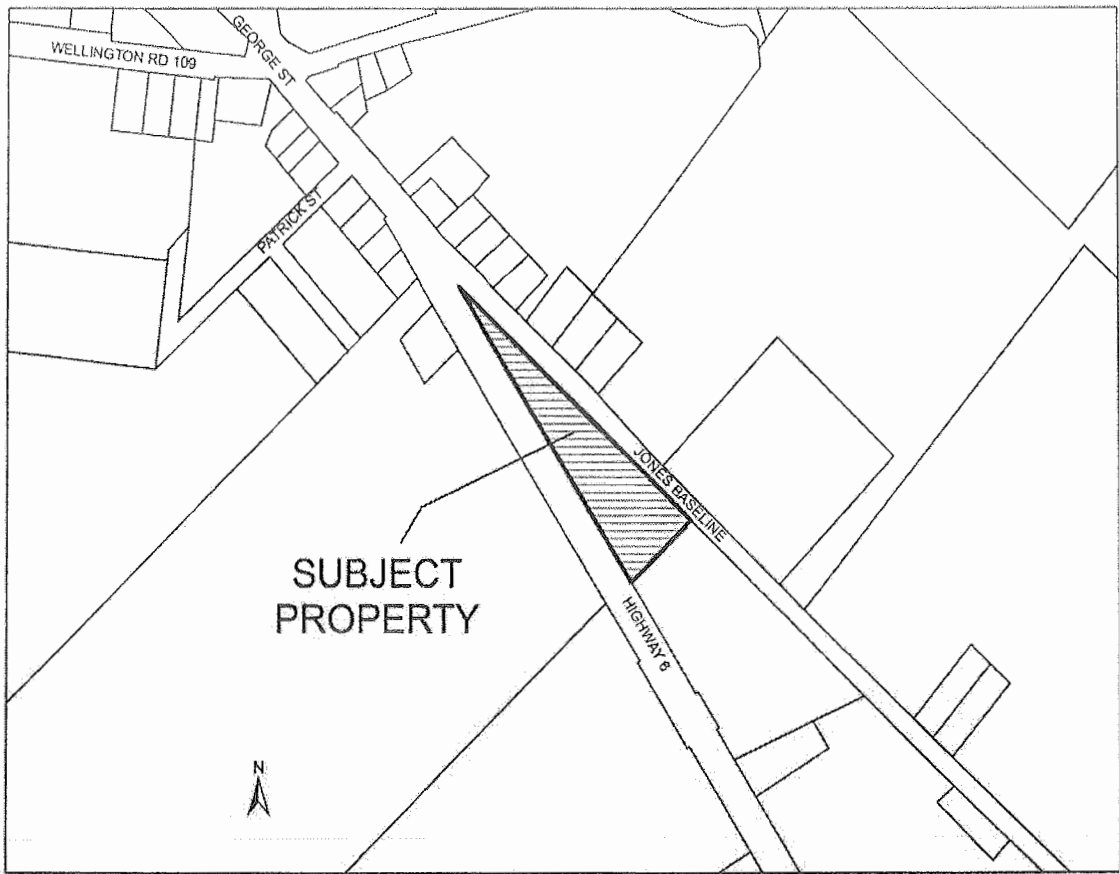
AGENDA ITEM	PAGE NO.
<p><b>Owners/Applicant: R &amp; R Mitchell Farms Ltd.</b></p> <p><b>Location of the Subject Land</b>                      The property subject to the proposed amendment is described as Part of Lot 22, Concession 7 with a civic address of 8780 Concession 7. The property is 60.7 hectares (150 acres) in size and the location is shown on the map attached.</p> <p><b>The Purpose and Effect of the Application</b>                      The purpose and effect of the proposed amendment is to rezone the subject lands to restrict any future residential development on the agricultural, “retained” portion of the property. Additional relief from the zoning by-law is required for an over-sized accessory building on the severed portion – a drive shed with an area of (2,700 ft<sup>2</sup>). This rezoning is a condition of severance application B17/13 under the surplus farm dwelling policies that was granted provisional approval by the Wellington County Land Division Committee April 11<sup>th</sup>, 2013.</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p> <p>15. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on June 21, 2013.</p>	<p>32</p>
<p>16. Application for Zoning By-law Amendment</p> <p>17. Presentations by:</p> <ul style="list-style-type: none"> <li>- Jameson Pickard, Junior Planner</li> <li>- See attached comments and draft by-law</li> </ul>	<p>33</p> <p>42</p>
<p>18. Review of Correspondence received by the Township:</p> <ul style="list-style-type: none"> <li>- Nathan Garland, Resource Planner, GRCA</li> <li>- No objection</li> </ul>	<p>47</p>
<p>19. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.</p>	

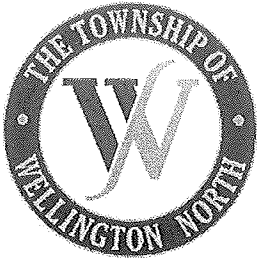
AGENDA ITEM	PAGE NO.
20. Mayor opens floor for any questions/comments.	
21. Comments/questions from Council	

AGENDA ITEM	PAGE NO.
<p><b>Owners/Applicant: Edward Michael Baratto and Margaret Ann Baratto</b></p>	
<p><b>Location of the Subject Land</b>                      The property subject to the proposed amendment is described as Park Lot 2, with a civic address of 178 Frederick Street West in Arthur Village. The property is 2.4 hectares (5.9 acres) in size and the location is shown on the map attached.</p>	50
<p><b>The Purpose and Effect of the Application</b>                      The purpose and effect of the proposed amendment is to rezone the subject lands from Natural Environment (NE) to Residential to allow the construction of a single family dwelling. Relief from the required setbacks to the Natural Environment may also be considered. This zone amendment is required as a condition of approval for severance application B59/12, which was granted provisional consent by the Wellington County Land Division Committee September 13, 2012.</p>	
<p>Please note – Section 34 (12) of the Planning Act.</p>	
<p>(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.</p>	
<p>22. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on June 21, 2013.</p>	
<p>23. Application for Zoning By-law Amendment</p>	51
<p>24. Presentations by:</p>	
<p>- Linda Redmond, Senior Planner                      - See attached comments and draft by-law</p>	67
<p>25. Review of Correspondence received by the Township:</p>	
<p>- Nathan Garland, Resource Planner, GRCA                      - No objection, provided the amendment only applies to those lands which are not located within the floodplain for the Conestogo River.</p>	72
<p>- Jackie Hope, Planning Department, Upper Grand District School Board                      - Does not object</p>	75

AGENDA ITEM	PAGE NO.
26. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.	
27. Mayor opens floor for any questions/comments.	
28. Comments/questions from Council	
29. Adjournment	







TOWNSHIP OF WELLINGTON NORTH  
APPLICATION FOR A MINOR VARIANCE

Date Received: June 3, 2013

File Number: A 5113 Roll # 23-49-000-017-17000-0000

Date Application Filed: \_\_\_\_\_ Application Fee Received: \$ 750.00

**A. GENERAL INFORMATION**

**1.\* APPLICANT INFORMATION**

a)\* Registered Owner's Name(s): JOE FLUNEY  
Address: 7595 Hwy 6 RR#1 ARTHUR ON NOGIAO  
Phone: Home (519) 848 5386 Work (519) Fax \_\_\_\_\_  
Email: JOE.FLUNEY@BELL.NET

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

b)\* Applicant (Agent) Name(s): \_\_\_\_\_

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: 7595 Hwy 6 RR#1 ARTHUR ON NOGIAO

Concession: AP 10000 Lot: PARCEL 0722 Registered Plan No.: \_\_\_\_\_

Area: 3.14 Depth: \_\_\_\_\_ Frontage (Width): 673.54 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: PRIME AGRICULTURAL

Zoning: A-59

**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 type="checkbox"/> ]	[ <input checked="" type="checkbox"/> ]	[ <input type="checkbox"/> ]	[ <input type="checkbox"/> ]	[ <input type="checkbox"/> ]	[ <input type="checkbox"/> ]	[ <input checked="" type="checkbox"/> ]	[ <input type="checkbox"/> ]
b) Proposed	[ <input type="checkbox"/> ]	[ <input checked="" type="checkbox"/> ]	[ <input type="checkbox"/> ]	[ <input type="checkbox"/> ]	[ <input type="checkbox"/> ]	[ <input type="checkbox"/> ]	[ <input checked="" type="checkbox"/> ]	[ <input type="checkbox"/> ]

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?

Hwy 6 and JONES BASELINE

**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)

BUILD 2400 SQUARE FT  
ADDITION ON THE EXISTING 2160 SQ FT  
BUILDING FOR HOME INDUSTRY

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

FOR INSIDE STORAGE  
MY BUSINESS REQUIRES STEEL STORAGE  
AND SUPPLIES

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

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

a) THE SUBJECT PROPERTY? COMMERCIAL, RESIDENTIAL AND AGRICULTURE

b) THE ABUTTING PROPERTIES? Commercial, Residential and agriculture

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	<u>65 FT</u>	<u>45 FT</u>	b) Side Yards	<u>61 FT</u>	<u>37 FT</u>
c) Rear Yard	<u>16 FT</u>	<u>6 FT</u>			

13.\* DATE OF ACQUISITION OF SUBJECT PROPERTY: 2010

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: 1961

14. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY? 40 plus

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

**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 [ ]	No [ <input checked="" type="checkbox"/> ]

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) JOE FLUNEY of the TOWNSHIP of WELLINGTON NORTH

County/Region of WELLI 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) JOE FLUNEY 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 3 day of June, 2013.

Joe Fluney  
Signature of Owner or Authorized Solicitor or Authorized Agent

JUNE 3/13  
Date

Catherine E. More  
Signature of Commissioner

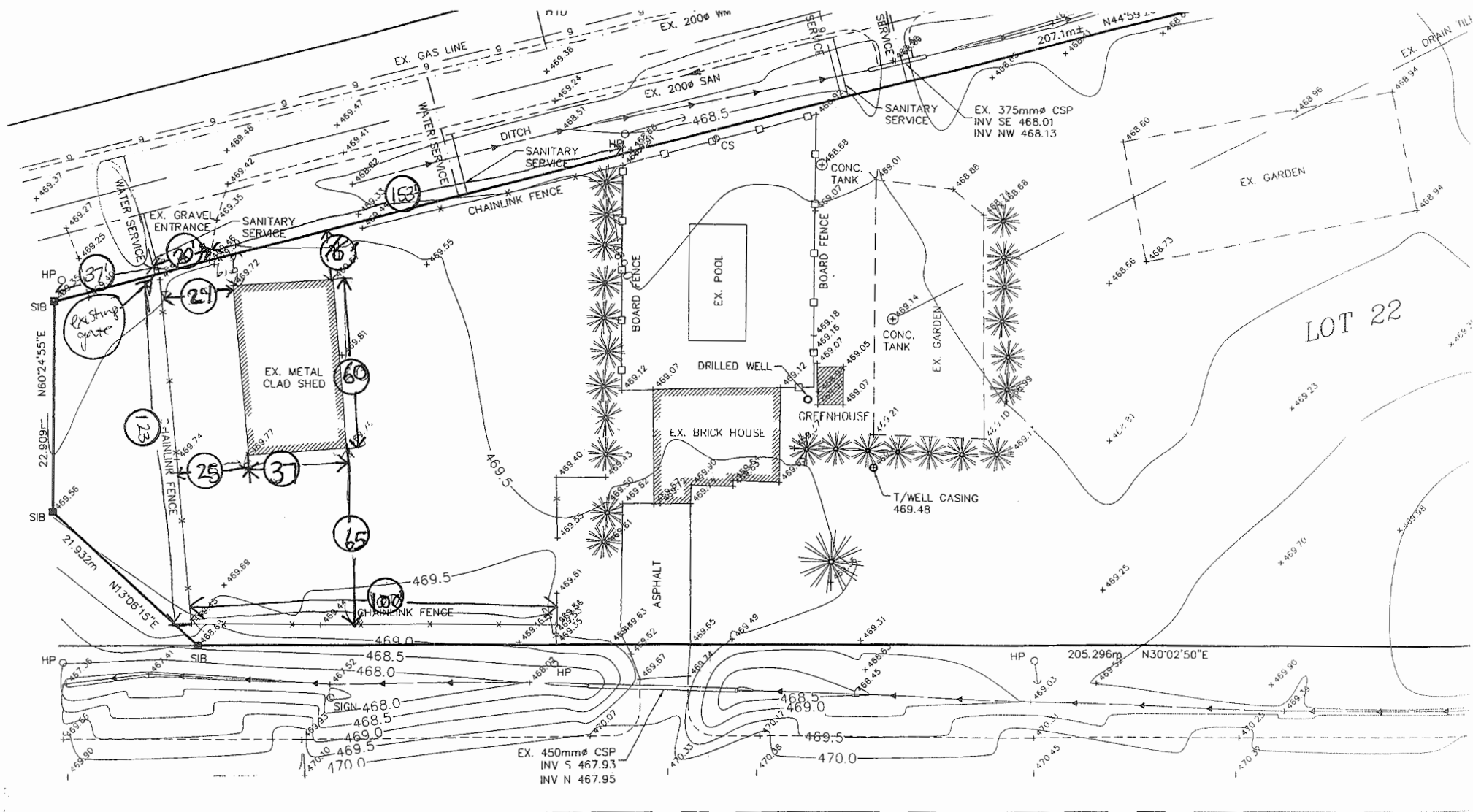
June 3/13  
Date

CATHERINE E. MORE, a Commissioner,  
etc., County of Wellington, Deputy Clerk  
of the Corporation of the Township of  
Wellington North.

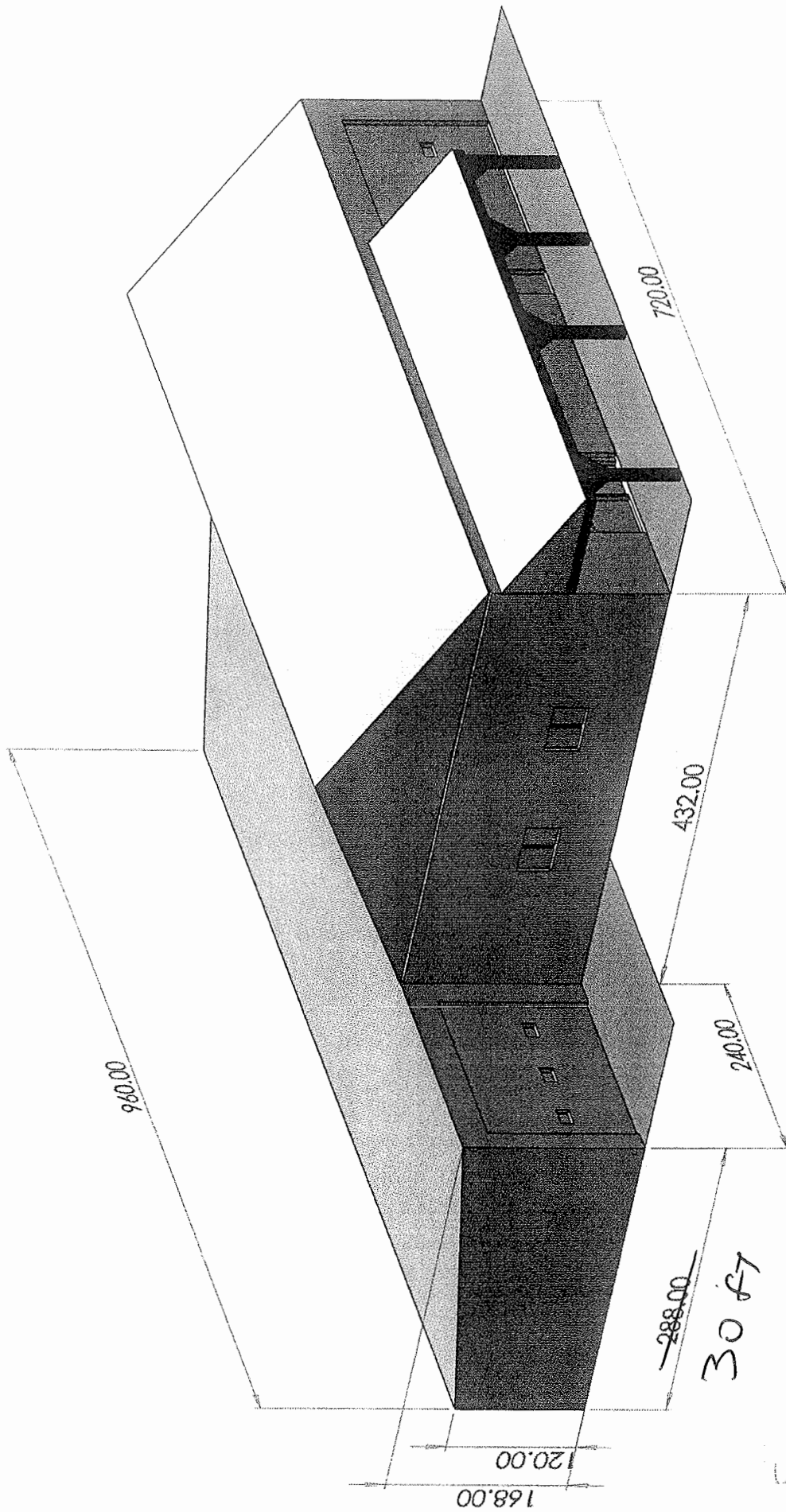
**APPLICATION AND FEE OF \$750.00 RECEIVED BY THE MUNICIPALITY:**

Catherine Jones  
Signature of Municipal Employee

June 3, 2013  
Date



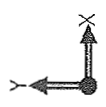
THE KING'S HIGHWAY No. 6



960.00

720.00

240.00

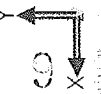


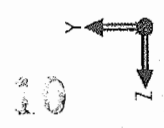
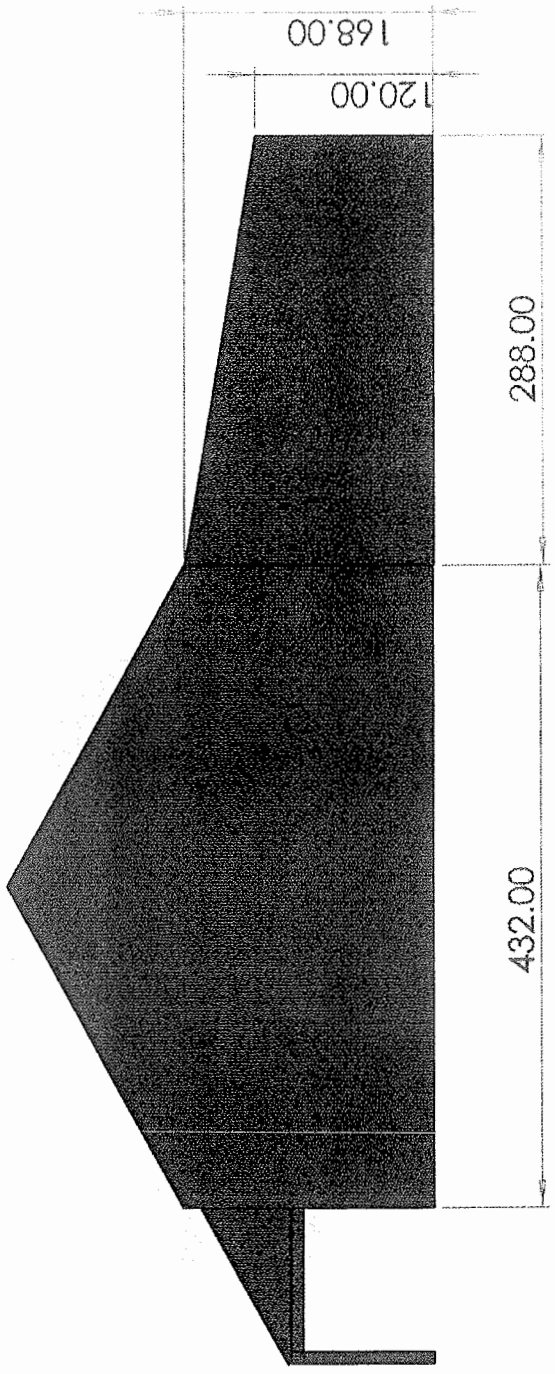


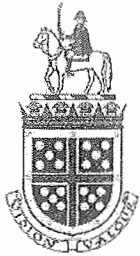
960.00

720.00

240.00







## 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

July 11, 2013

Darren Jones, Building Official  
Township of Wellington North  
7490 Sideroad 7 W  
Kenilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Fluney– Part lot 22, Concession A  
Permit an addition to home industry  
Draft Zoning By-law Amendment**

### **PLANNING OPINION**

The proposed zoning amendment would allow an oversized home industry building on the subject lands. The applicants currently operate a welding shop out of the existing 2160 sq.ft building and are proposing a 2400 sq.ft. addition to accommodate storage of steel and supplies. Further relief is required for the setbacks to the proposed addition. At this time the exact measurements are unknown. This information is forthcoming, therefore the draft by-law does not include this information and is not complete.

Council should be satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law. It should be noted that the business is not being expanded and is located adjacent to the Arthur Urban area.

### **SUBJECT LAND**

The subject land is legally described as Part Lot 22, Concession A with a civic address of 7595 Highway 6. The land is approximately 1.27 hectares (3.14 acres) in size.

### **PURPOSE**

The purpose of the amendment is to amend the site specific zoning on the subject lands to recognize the existing use of a welding shop and to allow a 2400 ft<sup>2</sup> addition to the existing building currently utilized by the welding business. Other variance to the required setbacks may be considered.

### **PROVINCIAL POLICY STATEMENT (PPS)**

The subject property is considered to be within a PRIME AGRICULTURAL area. Within prime agricultural areas, permitted uses include agricultural uses, secondary uses and agriculture-related uses.

Secondary uses “means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.”

### **WELLINGTON COUNTY OFFICIAL PLAN**

The subject lands are designated PRIME AGRICULTURAL. Permitted uses within the Prime agricultural area provide for a variety of farm related uses and include a home business and/or

farm business.

Policy 6.4.4 of the County Official Plan permits home businesses in Prime Agricultural Areas provided they are compatible with and would not hinder surrounding agricultural uses. Small-scale home businesses are generally intended to supplement farm incomes and provide services in agricultural areas. Home businesses may include home industries small in scale and with a limited number of employees, and minimal off-site impacts. The intention is to allow businesses which supplement farm income or provide services in agricultural areas. The Official Plan and PPS direct most industrial and commercial uses to Hamlets or Urban Centres.

Section 6.5.4 allows "small scale" industrial uses, provided a number of criteria are satisfied.

#### **ZONING BY-LAW**

The subject lands are zoned Agricultural exception zone (A-59). In addition to the permitted uses of section 8.1, the lands zoned A-59 may also be used for a contractor's yard conducted within the existing building.

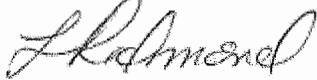
Section 6.14 of the by-law regulates the establishment of home industries. The existing use of a welding shop is considered a permitted use as a home industry. The regulations as prescribed in Section 6.14 should be applied to this site to control the scale of the use. The criteria controls such things as size of building, number of employee's, outside storage and signage. It further allows a maximum 2000 sq.ft. building to accommodate the home industry and does not permit outside storage of materials.

The current existing building is 2160 sq.ft. and the addition will add 2400 sq.ft. for a total floor area of 4560 sq.ft. It is my understanding that the need for the additional floor area is to accommodate storage for steel and supplies. The business itself is not expanding but rather just the floor area so that the storage may be brought inside.

A draft by-law is attached for Councils consideration. The draft by-law proposes to amend the current site specific exception for the enlargement of the building for the welding business and provide relief for setbacks to the addition.

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

Sincerely,



Linda Redmond B.A.  
Planner

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
BY-LAW NUMBER \_\_\_\_\_.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01  
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Part Lot 22, Concession A as shown on Schedule "A" attached to and forming part of this By-law from **Agricultural Exception A-59 to Agricultural Exception A1-149.**
2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

<b>33.149</b>  Part Lot 22, Concession A	<b>A1-149</b> In addition to the permitted uses of Section 8.1, a 4560 sq.ft. building may be permitted for the use of a home industry (welding shop). All other criteria under section 6.14 shall be applicable.  And further no other accessory structures will be permitted on the property including a building used for an accessory structure or hobby barn, without an amendment to this by-law.
--	--

3. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.
4. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

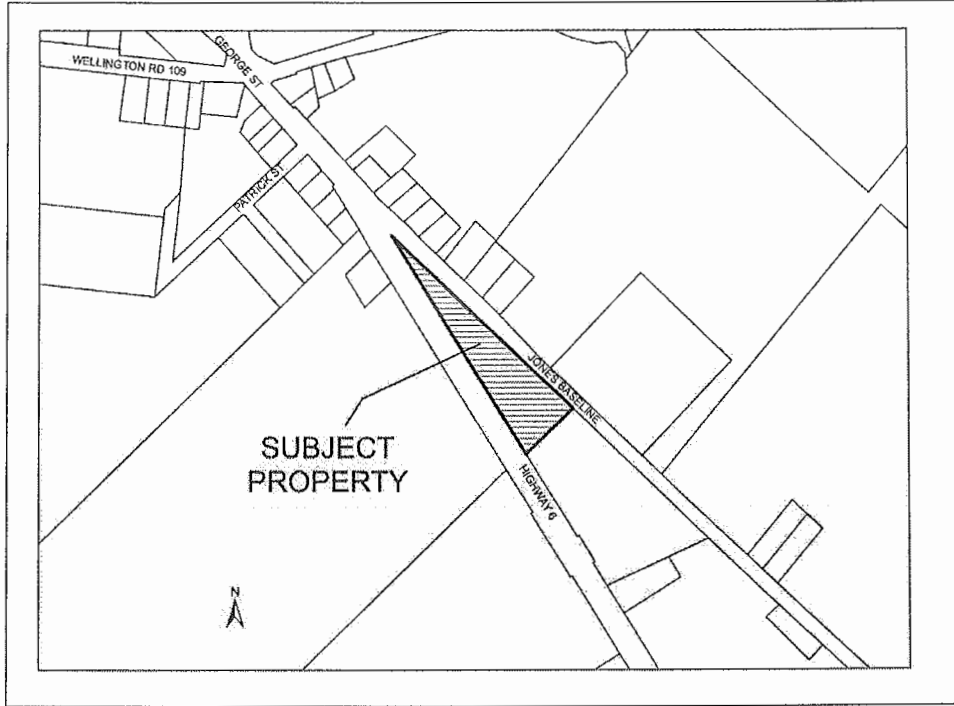
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO \_\_\_\_\_.

Schedule "A"



Agricultural Exception A-59 to Agricultural Exception A1-149

Passed this \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

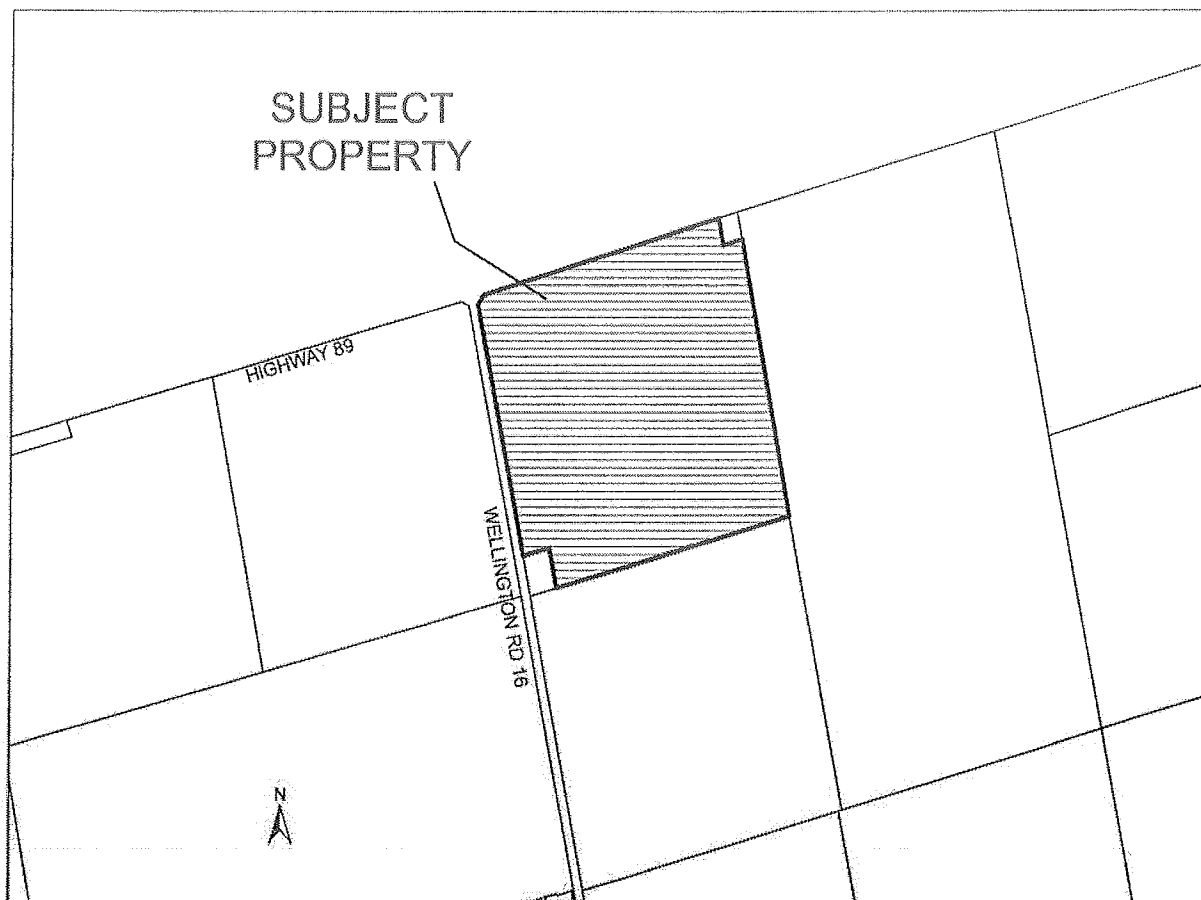
\_\_\_\_\_  
CLERK

## EXPLANATORY NOTE

BY-LAW NUMBER \_\_\_\_\_.

**THE LOCATION** being rezoned is in Part lot 22, Concession A with a civic address of 7595 Highway 6. The property is approximately 1.27 hectares (3.14 acres) in size currently occupied by a dwelling and shop which the applicants business operates from.

**THE PURPOSE AND EFFECT** The purpose of the amendment is to amend the site specific zoning on the subject lands to recognize the existing use of a welding shop and to allow a 4560 ft<sup>2</sup> building for the existing welding business.





CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

Application for Zoning By-law Amendment

Application No. \_\_\_\_\_

A. THE AMENDMENT

1. TYPE OF AMENDMENT? Site Specific  Other \_\_\_\_\_

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?

to prohibit the building of a residential dwelling on  
the ~~severed~~ retained land and to permit a 3600 sq ft  
accessory building on the severed portion

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): Leslie Eccles and Sheila Eccles

Address: 8405 Hwy 89, RR2 Conn, ON N0G1N0

Phone: Home (519-323-3987) Work (519-369-2935) Fax ( ) \_\_\_\_\_  
(5)

b) Applicant (Agent) Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Phone: Home ( ) \_\_\_\_\_ Work ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:

d) Send Correspondence To? Owner  Agent  Other  \_\_\_\_\_

e) When did the current owner acquire the subject land? \_\_\_\_\_

4. WHAT AREA DOES THE AMENDMENT COVER?  the "entire" property  a "portion" of the property (This information should be illustrated on the required drawing under item G of this application.)

5. PROVIDE A DESCRIPTION OF THE "ENTIRE" PROPERTY:

Municipal Address: 8405 Hwy 89, RR2 Conn  
Concession: 14 Lot: N 1/2 L 10 Registered Plan No: \_\_\_\_\_  
Area: 40.76 hectares Depth: 616 meters Frontage (Width): 604.9 meters  
1000 acres 2000 feet 7 feet

6. PROVIDE A DESCRIPTION OF THE AREA TO BE AMENDED IF ONLY A "PORTION" OF THE PROPERTY:

Area: 39.7 hectares Depth: See drawing meters Frontage (Width): \_\_\_\_\_ meters  
1000 acres \_\_\_\_\_ feet \_\_\_\_\_ feet

7. WHAT IS THE CURRENT COUNTY OF WELLINGTON OFFICIAL PLAN DESIGNATION OF THE SUBJECT PROPERTY?

prime agricultures

8. LIST LAND USES THAT ARE PERMITTED BY CURRENT OFFICIAL PLAN DESIGNATION

agricultural

9. WHAT IS THE CURRENT ZONING OF THE SUBJECT PROPERTY AND WHAT USES ARE PERMITTED?

agricultural

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

10. WHAT IS THE "EXISTING" USE(S) OF THE SUBJECT LAND?

farm land

11. HOW LONG HAS THE "EXISTING" USE(S) CONTINUED ON THE SUBJECT LAND?

50 + yrs.

12. WHAT IS THE "PROPOSED" USE OF THE SUBJECT LAND?

farm

13. PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS OR STRUCTURES ON THE SUBJECT LAND:

(Please use a separate page if necessary.)

a) Type of Building (s) -or Structure

Existing

Proposed

*all buildings on new lot  
Farm and vacant*

(s)

b) Date of Construction

*see attached drawings.*

none.

c) Building Height

\_\_\_\_ (m) \_\_\_\_ (ft) \_\_\_\_ (m) \_\_\_\_ (ft)

d) Number of Floors

*house - 2 storey - 1800 sq ft  
shed - 1st - 1400 sq ft  
barn - 2nd - 3520 sq ft - main floor*

e) Total Floor Area (sq.m.)

\_\_\_\_ (sq m) \_\_\_\_ (sq ft) \_\_\_\_ (sq m) \_\_\_\_ (sq ft)

f) Ground Floor Area (sq.m.) (exclude basement)

\_\_\_\_ (sq m) \_\_\_\_ (sq ft) \_\_\_\_ (sq m) \_\_\_\_ (sq ft)

g) Distance from building/structure to the:

\_\_\_\_ (sq m) \_\_\_\_ (sq ft) \_\_\_\_ (sq m) \_\_\_\_ (sq ft)

Front lot line

*House* 19.5 (m) 50.4 (ft) \_\_\_\_ (m) \_\_\_\_ (ft)

Side lot line

19.3 (m) \_\_\_\_ (ft) \_\_\_\_ (m) \_\_\_\_ (ft)

Side lot line

28.7 (m) \_\_\_\_ (ft) \_\_\_\_ (m) \_\_\_\_ (ft)

Rear lot line

~ 124 (m) \_\_\_\_ (ft) \_\_\_\_ (m) \_\_\_\_ (ft)

h) % Lot Coverage

i) # of Parking Spaces

j) # of Loading Spaces

D. EXISTING AND PROPOSED SERVICES

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

Provincial Highway  *lot-residence* Continually maintained municipal road  Right-of-way   
 County Road  *farmland* Seasonally maintained municipal road  Water access

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

Hwy 89 - horse County Rd - 16 - farmland

16. 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. (This information should be illustrated on the required drawing under item G of this application.)

\_\_\_\_\_

\_\_\_\_\_

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Sewers	Communal Sewers	Private Wells	Other Water Supply	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing	( )	( )	<input checked="" type="checkbox"/>	( )	( )	<input checked="" type="checkbox"/>	( )
b) Proposed	( )	( )	<input checked="" type="checkbox"/>	( )	( )	<input checked="" type="checkbox"/>	( )

*none - farmland*

18. HOW IS THE STORM DRAINAGE PROVIDED?

Storm Sewers ( ) Ditches  Swales ( ) Other means (explain below)

\_\_\_\_\_

\_\_\_\_\_

E. OTHER RELATED PLANNING APPLICATIONS

19. HAS THE CURRENT OWNER (OR ANY PREVIOUS OWNER) MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

Official Plan Amendment	Yes ( )	No ( )
Zoning By-law Amendment	Yes ( )	No ( )
Minor Variance	Yes ( )	No ( )
Plan of Subdivision	Yes ( )	No ( )
Consent (Severance)	Yes (✓)	No ( )
Site Plan Control	Yes ( )	No ( )

20. IF THE ANSWER TO QUESTION 19 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. and Date of Application: EB9/13 B25/13

Approval Authority: County of Wellington

Lands Subject to Application: \_\_\_\_\_

Purpose of Application: to sever surplus residence

Status of Application: made by May 9<sup>th</sup> approved subject to condition

Effect on the Current Application for Amendment: \_\_\_\_\_

F. OTHER SUPPORTING INFORMATION

21. PLEASE LIST THE TITLES OF ANY SUPPORTING DOCUMENTS: (E.G. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report, etc.)

G. APPLICATION DRAWING

22. PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY BE MORE APPROPRIATE TO SUBMIT ADDITIONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING:

- Owners' / applicant's name;
- Legal description of property;
- Boundaries and dimensions of the subject property and its current land use;
- Dimensions of area of amendment (if not, the entire property);
- The size and use of all abutting land;
- All existing and proposed parking and loading areas, driveways and lanes;

- The nature of any easements or restrictive covenants on the property;
- The location of any municipal drains or award drains;
- Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- If access to the subject land is by water only, provide the location of the parking and docking facilities to be used; and
- Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits).

THE DRAWING SHOULD ALSO INCLUDE THE SCALE, NORTH ARROW AND DATE WHEN THE DRAWING WAS PREPARED.

**H. AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:**

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

I (we) \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the  
 County / Region of \_\_\_\_\_ do hereby authorize \_\_\_\_\_ to  
 Act as my agent in this application.

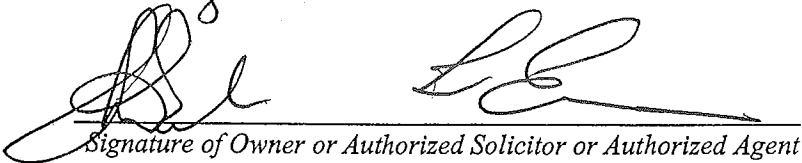
\_\_\_\_\_  
*Signature of Owner(s)*

\_\_\_\_\_  
*Date*

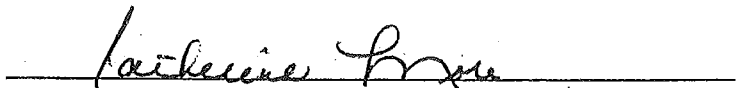
I. AFFIDAVIT: (This affidavit be signed in the presence of a Commissioner)

I (we) Leslie and Sheila Eccles of the Township of the 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<sup>North</sup> in the County / ~~Region~~ of Wellington North this 23rd day of May, 2013.

  
Signature of Owner or Authorized Solicitor or Authorized Agent

May 23/13  
Date

  
Signature of Commissioner  
CATHERINE E. MORE, a Commissioner,  
etc., County of Wellington, Deputy Clerk  
of the Corporation of the Township of  
Wellington North.

May 23, 2013  
Date

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY

  
Signature of Municipal Employee

May 23, 2013  
Date

## ONTARIO PLANNING ACT, Section 53(14)

## NOTICE of DECISION

On Application B25/13

APPLICANT:Leslie & Sheila Eccles  
8405 Hwy 89, RR#2  
Conn ON NOG 1R0LOCATION of SUBJECT LANDS:WELLINGTON NORTH (West Luther)  
Part Lot 10  
Concession 14

The Planning and Land Division Committee, considering all of the evidence presented, and being assured that it had jurisdiction to consider the matter which was submitted to it, concludes that:

In the matter of an application by Leslie & Sheila Eccles pursuant to Section 53 of the Planning Act, R. S. O. 1990 as amended for consent to convey land for rural residential Surplus Farm Dwelling, being Part of Lot 10, Concession 14, geographic Township of West Luther, now Township of Wellington North, **PROVISIONAL CONSENT IS GRANTED SUBJECT TO THE FULFILMENT OF TWELVE CONDITIONS OF APPROVAL.** The Planning and Land Division Committee has the opinion that a plan of subdivision of the subject lands is not necessary for the proper and orderly development of the municipality for this proposal; that the proposal satisfies generally the intent of the criteria of Section 51, subsection 24 of the Planning Act, R.S.O. 1990 as amended; and that the proposal is consistent with the intent and policies of the Provincial Policy Statement; and that it conforms generally to the intent and policies of the County's official plan; and, further, that the proposal represents compatible development, good planning and does not offend the public interest.

**FINAL CONSENT IS DEEMED TO BE GIVEN** when the Secretary-Treasurer of the Planning and Land Division Committee has received written proof that all of the conditions of approval have been fulfilled within the prescribed period of time.

**THE PLANNING AND LAND DIVISION COMMITTEE ADVISES THE APPLICANT** that all of the conditions of approval for this provisional consent must be fulfilled within a period of one year after written notice of this decision was given or consent shall be deemed to be refused. In the event of an appeal to the Ontario Municipal Board, the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of one year from the date of the order or date of the notice of the Ontario Municipal Board issued in respect of the appeal.

**CONDITIONS OF APPROVAL TO BE FULFILLED NO LATER THAN 4:30 p.m. MAY 16, 2014:**

- 1) **THAT** the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
- 2) **THAT** the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document for Consent B25/13.
- 3) **THAT** the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review for and issuance of the Certificate of Consent.
- 4) **THAT** the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor shall provide a full print of that deposit reference plan(s) to the secretary-treasurer of the Planning and Land Division Committee.
- 5) **THAT** the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 6) **THAT** the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 7) **THAT** the dilapidated frame barn and oversized frame shed be removed to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 8) **THAT** the location of the on-site sewage system comply with Ontario Building Code to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 9) **THAT** the severed lot be brought into compliance with the Property Standards By-law 34-99 to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 10) **THAT** the Owner receive zoning compliance and classification from the Local Municipality and the County of Wellington Planning Department to prohibit a new residential dwelling on the retained parcel in a manner deemed acceptable; and that the Local Municipality and the County of Wellington Planning Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 11) **THAT** the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality for the accessory buildings on the severed lands; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 12) **THAT** the owner satisfy the requirements of the Wellington County Roads Dept. concerning road widening conveyances along the frontage of the severed and retained parcel; and that the Wellington County Roads Dept files with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

..... End of Conditions of Approval; see page two for signatures, dates and other information ..

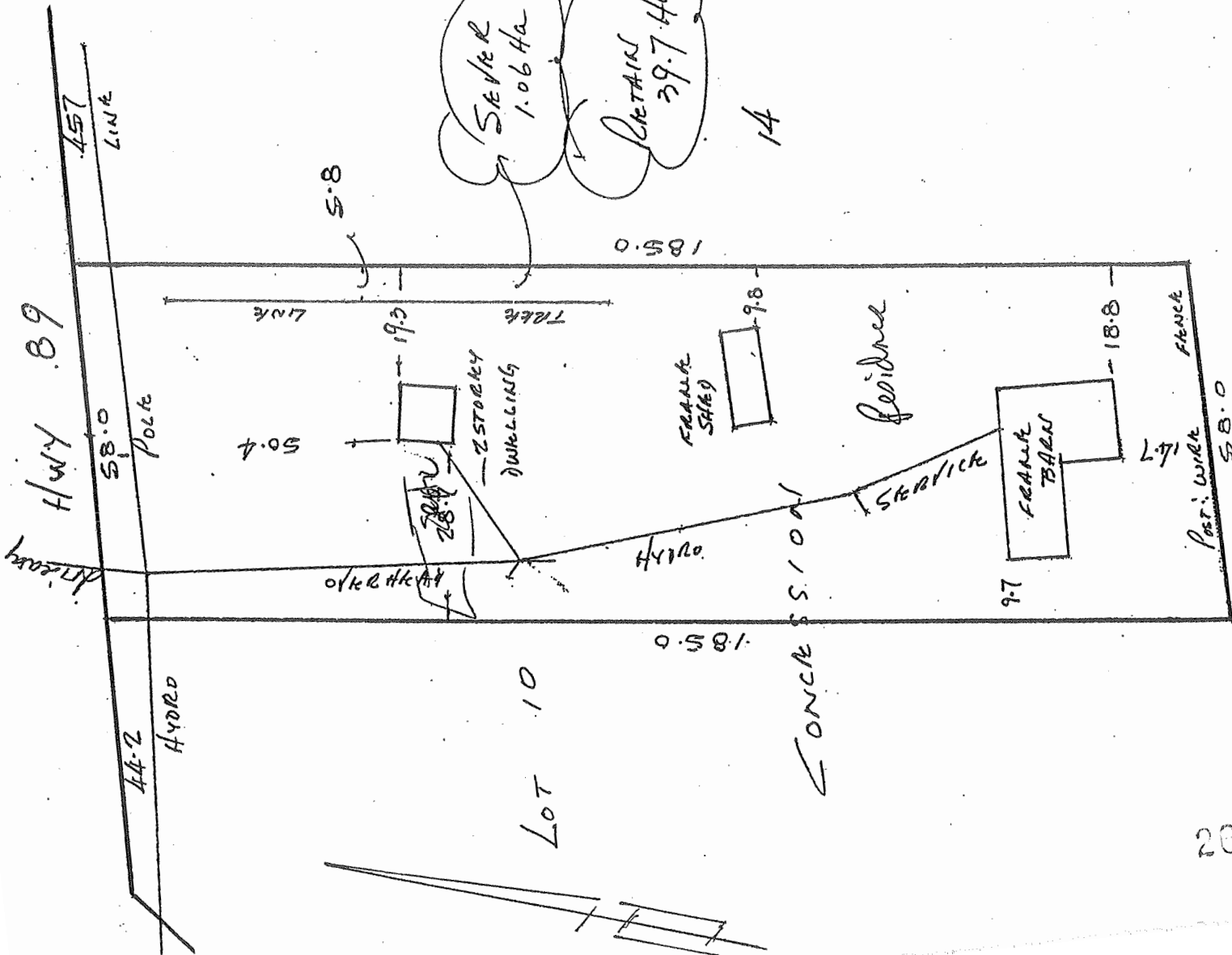




Sheet 2 of 2 Sheets  
1:1000

Feb/13  
8373

*Wick*





# 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

July 11, 2013

Darren Jones, Building Official  
Township of Wellington North  
7490 Sideroad 7 W  
Kenilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Shelia Eccles– N<sub>1/2</sub> lot 10, Concession 14  
Restrict Agricultural Land from Future Residential  
Permit oversized accessory structure  
Draft Zoning By-law Amendment**

### PLANNING OPINION

The zoning amendment is required as a condition of provisional consent (B25/13) by the Wellington County Land Division Committee. We have no objections to implementing this decision. Both the PPS and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

Additional zoning relief is also being sought for a proposed accessory structure on the severed residential parcel. The applicant would like to construct a 3,600 sq.ft drive shed for personal use. Council should be satisfied that the accessory building is intended for personal use and not for commercial purposes.

### SUBJECT LAND

The subject land is legally described as N<sub>1/2</sub> Lot 10, Concession 14 with a civic address of 8405 Highway 89. The land is approximately 40.7 ha (100.6 ac) in size.

### PURPOSE

The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the proposed oversized shed on the residential portion of the subject lands. This rezoning is a condition of severance application B25/13, that was granted provisional approval by the Wellington County Land Division Committee on May 9<sup>th</sup>, 2013. The consent will sever the existing farm dwelling and accessory building (1.06 ha. (2.6 ac) from the remainder of the agricultural parcel (39.7 ha (98.1ac).

### PROVINCIAL POLICY STATEMENT (PPS)

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the PPS provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

### WELLINGTON COUNTY OFFICIAL PLAN

The subject lands are designated PRIME AGRICULTURE, CORE GREENLANDS. This  
July 2013  
Sheila Eccles

application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings.

Section 10.3.4 of the Official Plan states:

"A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) The remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) The surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) The Minimum Distance Separation formula will be met, and
- f) The vacant parcel of farmland is rezoned to prohibit a residential use."

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum."

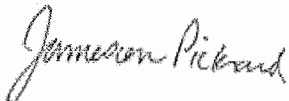
#### **ZONING BY-LAW**

The subject lands are zoned Agricultural (A) and Natural Environment (NE). There will be two site specific zones required on the subject lands. The first site specific will prohibit a dwelling on the 39.7 ha (98.1 ac) agricultural parcel and the second one will address the accessory structure on the 1.06 ha (2.6 ac) residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structure would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case the applicants currently have a barn and large drive shed on the property which is to be removed prior to the construction of the new proposed shed. The relief will be applied to the new shed, which will have a floor area of 3,600 sq.ft, which exceeds the allowable floor area of 1,160 sq. ft. (Section 6.1.4 ii).

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

Sincerely,



Jameson Pickard  
Junior Planner

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
BY-LAW NUMBER \_\_\_\_\_.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01  
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as N1/2 Lot 10, Concession 14 as shown on Schedule "A" attached to and forming part of this By-law from:

- Agricultural (A) to "Agricultural Exception (A-147)
- Agricultural (A) to "Agricultural Exception (A-148)

2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

<b>33.147</b>  <b>N1/2 Lot 10, Concession 14</b>	<b>A-147</b> <b>Notwithstanding any other section of this by-law to the contrary, a residential dwelling shall be prohibited in this zone. Other agricultural uses, that are not accessory to a dwelling, are permitted.</b>
--	---

3. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

<b>33.148</b>  <b>N1/2 Lot 10, Concession 14</b>	<b>A-148</b> <b>Notwithstanding Section 6.1.4 ii or any other section of this by-law, one shed containing a maximum floor area of 334.5 sq.m. (3,600 sq.ft) may be permitted on the subject lands. Subject to the following conditions:</b> <ul style="list-style-type: none"> <li>a) enlargement of this shed is not permitted.</li> <li>b) additional accessory structures are not permitted including a hobby barn or building under the home industry provisions.</li> <li>c) The existing barn and shed (total area of 4040 sq.ft.) is to be removed.</li> </ul>
--	--

4. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.

5. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

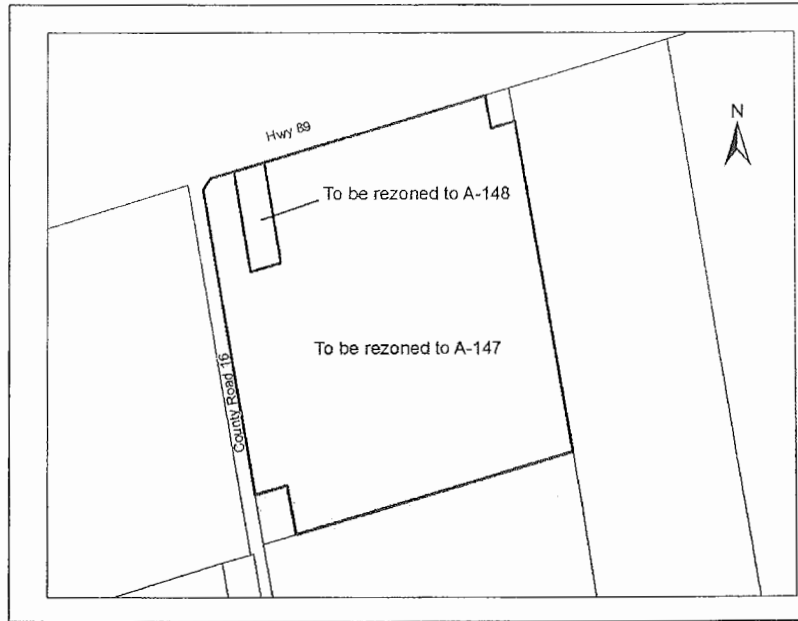
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO \_\_\_\_\_.

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exceptions (A-147 and A-148)

Passed this \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

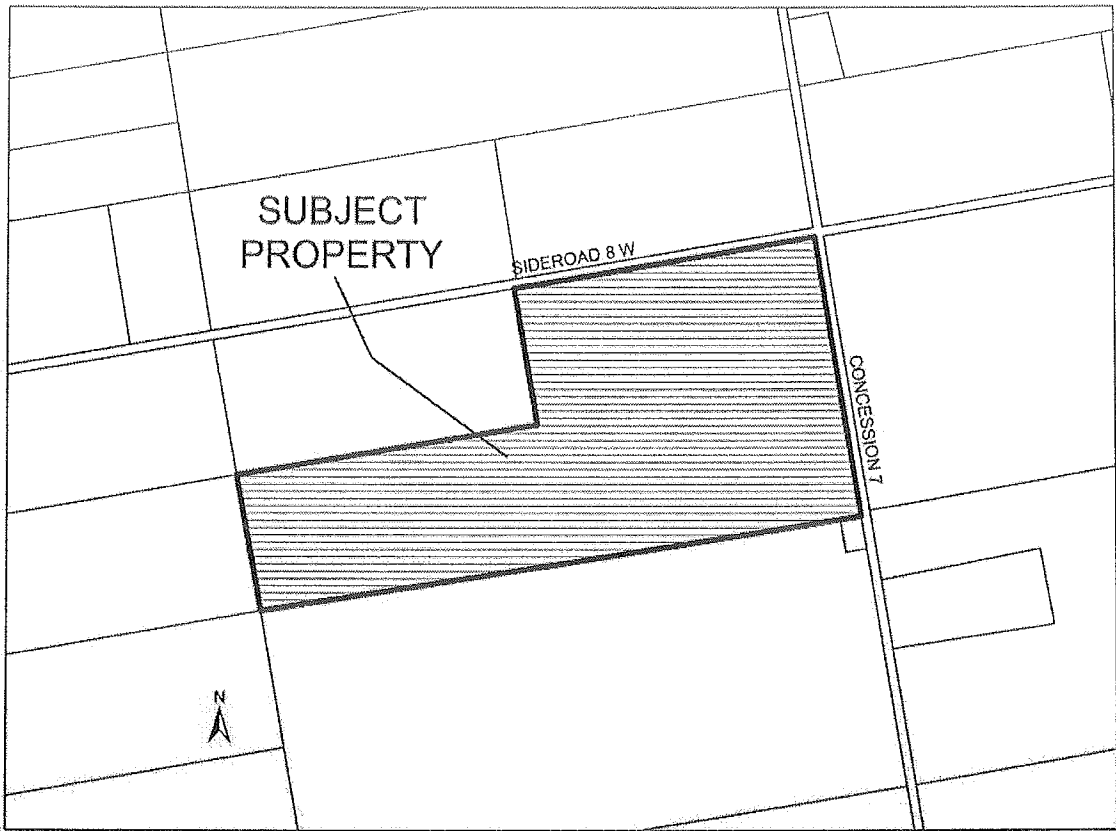
\_\_\_\_\_  
CLERK

## EXPLANATORY NOTE

BY-LAW NUMBER \_\_\_\_\_.

**THE LOCATION** being rezoned is in N<sub>1/2</sub> lot 10, Concession 14 with a civic address of 8405 Highway 89. The property is approximately 40.7 hectares (100.6 acres) in size and is occupied by a residence and proposed drive shed.

**THE PURPOSE AND EFFECT** of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural land (A-147) and to allow a proposed oversized drive shed on the residential portion of the lands (A-148). This rezoning is a condition of severance application B25/13, that was granted provisional approval by the Wellington County Land Division Committee on May 9<sup>th</sup>, 2013. The consent will sever the existing farm dwelling, and accessory buildings (1.06 ha. (2.6 ac) from the remainder of the agricultural parcel (39.7 ha. (98.1ac).





CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

Application for Zoning By-law Amendment

Application No. \_\_\_\_\_

A. THE AMENDMENT

1. TYPE OF AMENDMENT? Site Specific  Other \_\_\_\_\_

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?

To satisfy conditions of B17-13

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): R + R MITCHELL FARMS LTD.  
Address: RR # 1 MOOREFIELD, ON.  
Phone: Home ( ) 519 678 2276 Work ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

b) Applicant (Agent) Name(s): Rob MITCHELL  
Address: \_\_\_\_\_  
Phone: Home ( ) \_\_\_\_\_ Work ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:

d) Send Correspondence To? Owner  Agent [ ] Other [ ] \_\_\_\_\_

e) When did the current owner acquire the subject land? JUNE 28 / 12

4. WHAT AREA DOES THE AMENDMENT COVER?  the "entire" property  a "portion" of the property (This information should be illustrated on the required drawing under item G of this application.)

5. PROVIDE A DESCRIPTION OF THE "ENTIRE" PROPERTY:

Municipal Address: 8780 conc. 7

Concession: 7 Lot: Plot 22 Registered Plan No: \_\_\_\_\_

Area: \_\_\_\_\_ hectares Depth: \_\_\_\_\_ meters Frontage (Width): \_\_\_\_\_ meters  
150 acres \_\_\_\_\_ feet \_\_\_\_\_ feet

6. PROVIDE A DESCRIPTION OF THE AREA TO BE AMENDED IF ONLY A "PORTION" OF THE PROPERTY:

Area: \_\_\_\_\_ hectares Depth: \_\_\_\_\_ meters Frontage (Width): \_\_\_\_\_ meters  
\_\_\_\_\_ acres \_\_\_\_\_ feet \_\_\_\_\_ feet

7. WHAT IS THE CURRENT COUNTY OF WELLINGTON OFFICIAL PLAN DESIGNATION OF THE SUBJECT PROPERTY?

Prime Agricultural

8. LIST LAND USES THAT ARE PERMITTED BY CURRENT OFFICIAL PLAN DESIGNATION

Agricultural

9. WHAT IS THE CURRENT ZONING OF THE SUBJECT PROPERTY AND WHAT USES ARE PERMITTED?

Agricultural

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

10. WHAT IS THE "EXISTING" USE(S) OF THE SUBJECT LAND?

Agricultural

11. HOW LONG HAS THE "EXISTING" USE(S) CONTINUED ON THE SUBJECT LAND?

100 + yrs.

12. WHAT IS THE "PROPOSED" USE OF THE SUBJECT LAND?

Agricultural & Residential

13. PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS OR STRUCTURES ON THE SUBJECT LAND:

(Please use a separate page if necessary.)

	<u>Existing</u>		<u>Proposed</u>	
a) Type of Building (s) -or Structure (s)				
b) Date of Construction				
c) Building Height	_____ (m)	<u>20</u> (ft)	_____ (m)	_____ (ft)
d) Number of Floors		<u>1</u>		
e) Total Floor Area (sq.m.)	_____ (sq m)	<u>5250</u> (sq ft)	_____ (sq m)	<u>3810</u> (sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)	_____ (sq m)	<u>"</u> (sq ft)	_____ (sq m)	<u>"</u> (sq ft)
g) Distance from building/structure to the:	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
Front lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Rear lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
h) % Lot Coverage				
i) # of Parking Spaces				
j) # of Loading Spaces				

D. EXISTING AND PROPOSED SERVICES

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

Provincial Highway       Continually maintained municipal road       Right-of-way   
County Road       Seasonally maintained municipal road       Water access

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

Conc. 7

16. 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. (This information should be illustrated on the required drawing under item G of this application.)

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Sewers	Communal Sewers	Private Wells	Other Water Supply	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing	( )	( )	<input checked="" type="checkbox"/>	( )	( )	<input checked="" type="checkbox"/>	( )
b) Proposed	( )	( )	( )	( )	( )	( )	( )

18. HOW IS THE STORM DRAINAGE PROVIDED?

Storm Sewers ( )      Ditches       Swales ( )      Other means (explain below)

E. OTHER RELATED PLANNING APPLICATIONS

19. HAS THE CURRENT OWNER (OR ANY PREVIOUS OWNER) MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

Official Plan Amendment	Yes ( )	No (✓)
Zoning By-law Amendment	Yes ( )	No (✓)
Minor Variance	Yes ( )	No (✓)
Plan of Subdivision	Yes ( )	No (✓)
Consent (Severance)	Yes (✓)	No ( )
Site Plan Control	Yes ( )	No (✓)

20. IF THE ANSWER TO QUESTION 19 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. and Date of Application: B17-13 - 2013

Approval Authority: COUNTY OF WELLINGTON

Lands Subject to Application: ENTIRE PROPERTY

Purpose of Application: sever. surplus farm dwelling

Status of Application: Approved with conditions

Effect on the Current Application for Amendment: condition

F. OTHER SUPPORTING INFORMATION

21. PLEASE LIST THE TITLES OF ANY SUPPORTING DOCUMENTS: (E.G. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report, etc.)

G. APPLICATION DRAWING

22. PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY MOORE APPROPRIATE TO SUBMIT ADDITIONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING:

- Owners' / applicant's name;
- Legal description of property;
- Boundaries and dimensions of the subject property and its current land use;
- Dimensions of area of amendment (if not , the entire property);
- The size and use of all abutting land;
- All existing and proposed parking and loading areas, driveways and lanes;

- The nature of any easements or restrictive covenants on the property;
- The location of any municipal drains or award drains;
- Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- If access to the subject land is by water only, provide the location of the parking and docking facilities to be used; and
- Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits).

THE DRAWING SHOULD ALSO INCLUDE THE SCALE, NORTH ARROW AND DATE WHEN THE DRAWING WAS PREPARED.

**H. AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:**

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

I (we) \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_ in the  
 County / Region of \_\_\_\_\_ do hereby authorize \_\_\_\_\_ to  
 Act as my agent in this application.

\_\_\_\_\_  
*Signature of Owner(s)*

\_\_\_\_\_  
*Date*

I. AFFIDAVIT: (This affidavit be signed in the presence of a Commissioner)

I (we) Rob Mitchell of the township of the Mapleton 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 / Region of Wellington this 31 day of May 2013.

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

May 31 / 13  
Date

[Signature]  
Signature of Commissioner  
CATHERINE E. MORE, a Commissioner,  
etc., County of Wellington, Deputy Clerk  
of the Corporation of the Township of  
Wellington North.

May 31 / 13  
Date

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY

[Signature]  
Signature of Municipal Employee

June 3 / 13  
Date

# SKETCH FOR LAND SEVERANCE APPLICATION

PREPARED FOR ROB MITCHELL

SCALE 1" = 400'

DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

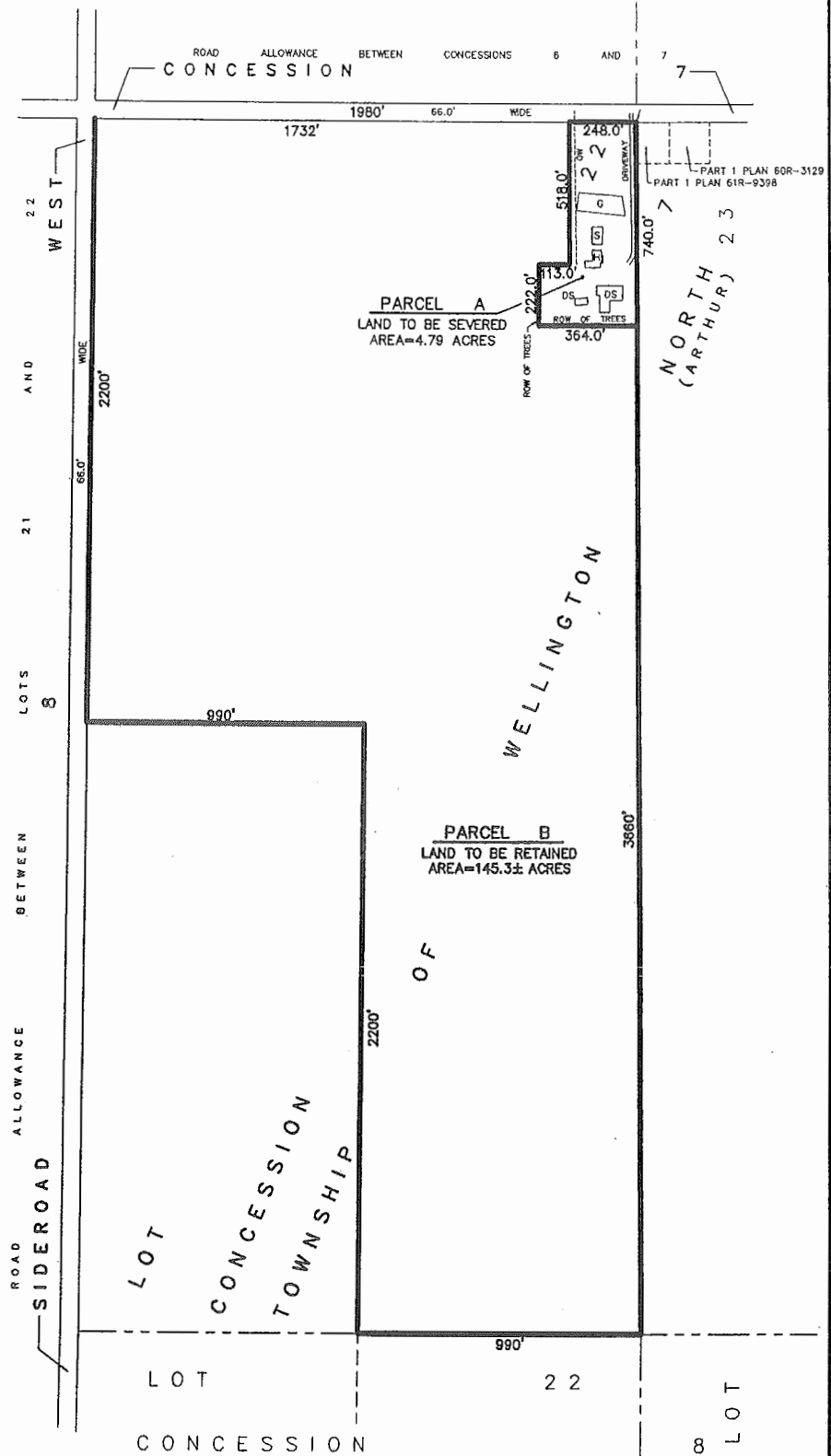
## CAUTION

THIS SKETCH IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.

## NOTE

THIS SKETCH IS PREPARED FROM COMPILED AND CALCULATED INFORMATION. THE PROPERTY LIMITS WERE NOT SURVEYED.

H - HOUSE  
 DS - DRIVE SHED  
 OW - OVERHEAD WIRES  
 G - GEOTHERMAL SYSTEM AS INDICATED BY OWNER  
 S - SEPTIC BED AS INDICATED BY OWNER





PAGE 1 of 2 COUNTY of WELLINGTON PLANNING & LAND DIVISION COMMITTEE  
Wellington County Administration Centre  
74 Woolwich Street Guelph, Ontario N1H 3T9

ONTARIO PLANNING ACT, Section 53(14)

NOTICE of DECISION

On Application B17/13

APPLICANT:

R & R Mitchell Farms Ltd. Attn: Robbie Mitchell  
8232 Concession 14, RR#1  
Moorefield ON N0G 2K0

LOCATION of SUBJECT LANDS:

WELLINGTON NORTH (Arthur Twp)  
Part Lot 22  
Concession 7

**The Planning and Land Division Committee, considering all of the evidence presented, and being assured that it had jurisdiction to consider the matter which was submitted to it, concludes that:**

In the matter of an application by R & R Mitchell Farms Ltd. pursuant to Section 53 of the Planning Act, R. S. O. 1990 as amended for consent to convey land for Surplus Farm Dwelling as amended, being Part of Lot 22, Concession 7, geographic Arthur Township, now Township of Wellington North, **PROVISIONAL CONSENT IS GRANTED SUBJECT TO THE FULFILMENT OF ELEVEN CONDITIONS OF APPROVAL.** The Planning and Land Division Committee has the opinion that a plan of subdivision of the subject lands is not necessary for the proper and orderly development of the municipality for this proposal; that the proposal satisfies generally the intent of the criteria of Section 51, subsection 24 of the Planning Act, R.S.O. 1990 as amended; and that the proposal is consistent with the intent and policies of the Provincial Policy Statement; and that it conforms generally to the intent and policies of the County's official plan; and, further, that the proposal represents compatible development, good planning and does not offend the public interest.

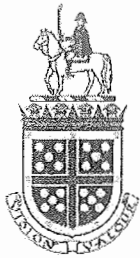
**FINAL CONSENT IS DEEMED TO BE GIVEN** when the Secretary-Treasurer of the Planning and Land Division Committee has received written proof that all of the conditions of approval have been fulfilled within the prescribed period of time.

**THE PLANNING AND LAND DIVISION COMMITTEE ADVISES THE APPLICANT** that all of the conditions of approval for this provisional consent must be fulfilled within a period of one year after written notice of this decision was given or consent shall be deemed to be refused. In the event of an appeal to the Ontario Municipal Board, the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of one year from the date of the order or date of the notice of the Ontario Municipal Board issued in respect of the appeal.

**CONDITIONS OF APPROVAL TO BE FULFILLED NO LATER THAN 4:30 p.m. APRIL 18, 2014:**

- 1) **THAT** the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
- 2) **THAT** the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document for Consent B17/13.
- 3) **THAT** the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review for and issuance of the Certificate of Consent.
- 4) **THAT** the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor shall provide a full print of that deposited reference plan(s) to the secretary-treasurer of the Planning and Land Division Committee.
- 5) **THAT** the Owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the severed and retained parcel; and further that the applicable authority file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
- 6) **THAT** the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 7) **THAT** the Owner receive zoning compliance and classification from the Local Municipality and the County of Wellington Planning Dept. to prohibit a new residential dwelling on the retained parcel in a manner deemed acceptable; and that the Local Municipality and the County of Wellington Planning Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 8) **THAT** zoning compliance is achieved by the removal of the barn/accessory building(s) or by rezoning the severed parcel to the satisfaction of the Local Municipality; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 9) **THAT** the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 10) **THAT** both drivesheds on the severed portion require zoning relief for area to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 11) **THAT** the Registered Reference Plan reflect the lot boundary as reduced at the time of consideration to follow the existing hydro line to the tree line to the satisfaction of the County of Wellington Planning Department; and further that the County of Wellington Planning Department file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition

..... End of Conditions of Approval; see page two for signatures, dates and other information .....



## 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

July 11, 2013

Darren Jones, Building Official  
Township of Wellington North  
7490 Sideroad 7 W  
Kenilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: R & R Mitchell Farms Ltd – Part lot 22, Concession 7  
Restrict Agricultural Land from Future Residential  
Permit oversized accessory structure  
Draft Zoning By-law Amendment**

### **PLANNING OPINION**

The zoning amendment is required as a condition of provisional consent (B17/13) by the Wellington County Land Division Committee. We have no objections to implementing this decision. Both the PPS and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

Additional zoning relief is also required for the existing accessory structure on the severed residential parcel. The applicant would like to retain 2,700 sq.ft of the drive shed for personal use. Council should be satisfied that the accessory building is intended for personal use and not for commercial purposes.

### **SUBJECT LAND**

The subject land is legally described as Part Lot 22, Concession 7 with a civic address of 8780 Concession 7. The land is approximately 60.7 hectares (150 acres) in size.

### **PURPOSE**

The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized shed on the residential portion of the subject lands. This rezoning is a condition of severance application B17/13, that was granted provisional approval by the Wellington County Land Division Committee on April, 17 2013. The consent will sever the existing farm dwelling and accessory building (1.93 ha. (4.79 ac) from the remainder of the agricultural parcel (58.8 ha. (145.3 ac).

### **PROVINCIAL POLICY STATEMENT (PPS)**

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the PPS provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

### **WELLINGTON COUNTY OFFICIAL PLAN**

The subject lands are designated PRIME AGRICULTURE, CORE GREENLANDS and GREENLANDS. This application is required as a result of a severance application. Section

10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings.

Section 10.3.4 of the Official Plan states:

“A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) The remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) The surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) The Minimum Distance Separation formula will be met, and
- f) The vacant parcel of farmland is rezoned to prohibit a residential use.”

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum.”

#### **ZONING BY-LAW**

The subject lands are zoned Agricultural (A) and Natural Environment (NE). There will be two site specific zones required on the subject lands. The first site specific will prohibit a dwelling on the 58.8 ha (145.3 ac) agricultural parcel and the second one will address the accessory structure on the 1.93 ha (4.79 ac) residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structure would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case there is a shed on the property with a current floor area of 4,994 sq.ft; the applicant has agreed to remove a portion of the shed to reduce the overall floor area to 2,700 sq.ft, which still exceeds the allowable ground floor area of 1,379 sq. ft. (Section 6.1.4 ii).

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

Sincerely,



Jameson Pickard  
Junior Planner

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
BY-LAW NUMBER \_\_\_\_\_.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01  
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 1 to By-law 66-01 is amended by changing the zoning on lands described as Part Lot 22, Concession 7 as shown on Schedule "A" attached to and forming part of this By-law from:

- Agricultural (A) to "Agricultural Exception (A-145)
- Agricultural (A) to "Agricultural Exception (A-146)

2. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

<b>33.145</b>  Part Lot 22, Concession 7	<b>A-145</b> Notwithstanding any other section of this by-law to the contrary, a residential dwelling shall be prohibited in this zone. Other agricultural uses, that are not accessory to a dwelling, are permitted.
--	--

3. THAT Section 33, Exception Zone 3 – Rural Areas, is amended by the inclusion of the following new exception:

<b>33.146</b>  Part Lot 33, Concession 9	<b>A-146</b> Notwithstanding Section 6.1.4 ii or any other section of this by-law, the shed existing on the day of passing of this by-law may have a maximum floor area of 250.8 sq.m. (2,700 sq.ft). Subject to the following conditions:  a) enlargement of this shed is not permitted. b) additional accessory structures are not permitted including a hobby barn or building under the home industry provisions. c) removal of the existing shed shall void this provision.
--	---

4. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.

5. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

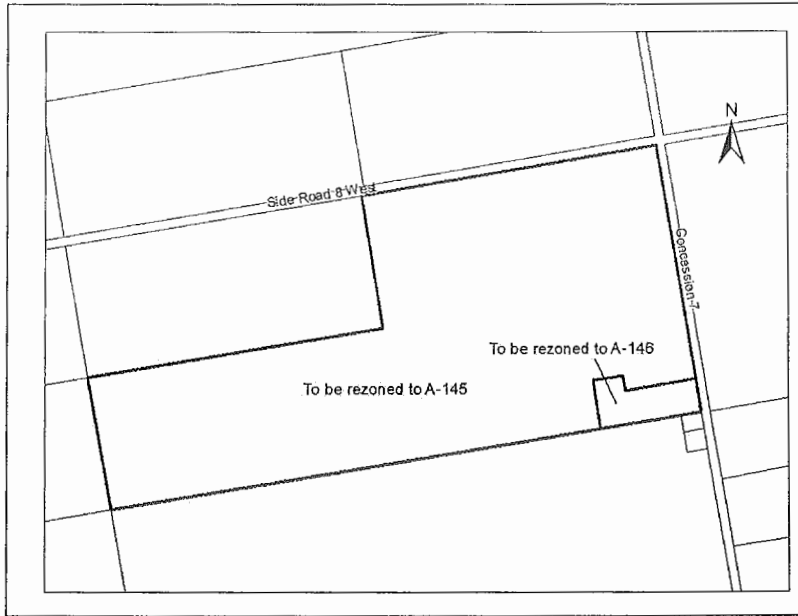
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO \_\_\_\_\_.

Schedule "A"



Rezone from Agricultural (A) to Agricultural Exceptions (A-145 and A-146)

Passed this \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## EXPLANATORY NOTE

BY-LAW NUMBER \_\_\_\_\_.

**THE LOCATION** being rezoned is in Part lot 22, Concession 7 with a civic address of 8780 Concession 7. The property is approximately 60.7 hectares (150 acres) in size and is occupied by a residence and drive shed.

**THE PURPOSE AND EFFECT** of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural land (A-145) and to allow an oversized shed on the residential portion of the lands (A-146). This rezoning is a condition of severance application B17/13, that was granted provisional approval by the Wellington County Land Division Committee on April 11<sup>th</sup>, 2013. The consent will sever the existing farm dwelling, and accessory building (1.93 ha. (4.79 ac) from the remainder of the agricultural parcel (58.8 ha. (145.3 ac).



**PLAN REVIEW REPORT: Township of Wellington North  
Darren Jones, CBO/Building Department**

**DATE:** June 27<sup>th</sup>, 2013

**YOUR FILE:**

**GRCA FILE:** Wellington/NorthWell/2013/ZC/C

---

**RE:**           **Application for Zoning By-law Amendment  
Part of Lot 22, Concession 7, Township of Wellington North  
8780 Concession 7**

---

**GRCA COMMENT: \***

The Grand River Conservation Authority (GRCA) has no objection to the proposal to rezone the subject property to restrict any future residential development on the agricultural 'retained' portion of the property and allow for an over-sized accessory building to be constructed on the 'severed' portion of the property.

---

**BACKGROUND:**

**1. Resource Issues:**

Information currently available at this office indicates that the subject property contains wetland and the associated regulatory allowance.

**2. Legislative/Policy Requirements and Implications:**

Due to the above mentioned features, portions of the subject lands are regulated by the GRCA under the *Development, Interference, with Wetlands, and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150/06)*. Future development or other alteration within the regulated areas will require a permit from our office.

**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 B17/13.

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.

Yours truly,

A handwritten signature in black ink, appearing to read "Nathan Garland".

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





# Grand River Conservation Authority

Map created: June 27, 2013



### LEGEND

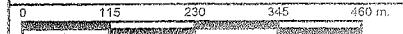
- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- LOTS (NRVIS)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP
- OVERSTEEP
- TOE
- WETLAND (NRVIS)
- PROVINCIALLY 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 hereon 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 interpretations 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:

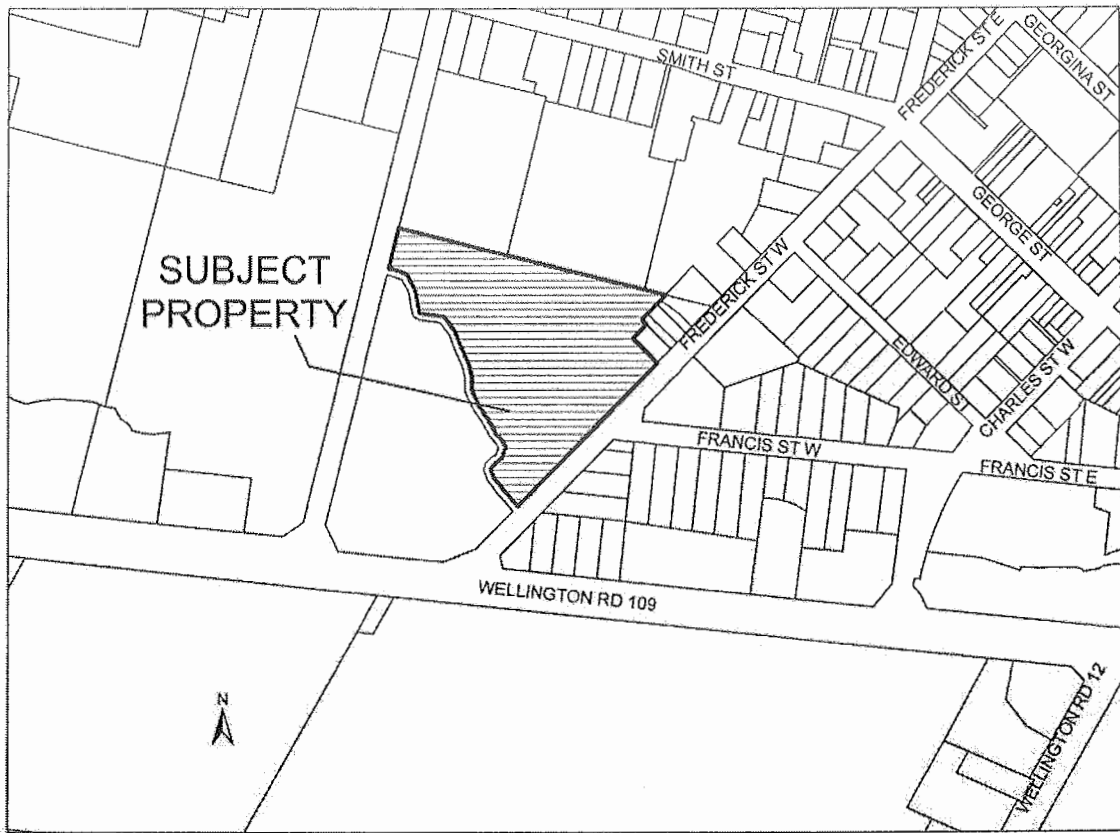
<http://grims.grandriver.ca/docs/SourcesCitations1.htm>



NAD 1983, UTM Zone 17 Scale 1:10,000



CP





June 11, 2013  
Jeff.Buisman@vanharten.com  
20527-12

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

Attention: Darren Jones

Dear Sir:

**Re: Zone Change for Severance Application B59/12  
for 178 Frederick Street  
Part of Lot 2, Plan Crown Survey  
PIN 71094-0351  
Village of Arthur, Township of Wellington North**

Please find enclosed an application for a Zone Change of the above mentioned property. The purpose of the Zone Change is to allow for development as intended with the approval of Severance Application B59/12. The specific requests of this application are to:

1. Allow up to one residence per parcel in a R3H zone.
2. Change a portion of the property zoned NE to R3H
3. Allow for a construction setback of 15m to the NE zone versus 30m.

#### Background

A Severance Application was submitted to the County of Wellington Land Division Committee (Application B59/12) for a severance of the existing dwelling. The net impact would be that one dwelling could be constructed on the retained parcel. This application was approved subject to conditions and condition 8) requires a zone change to allow one dwelling on the severed and retained parcels and to address the location of an appropriate building envelope. Section 13.3.1 allows for a single residential dwelling on an *existing* lot .... This zone change application requests the allowance of a single detached residential dwelling on the *new* lots (severed and retained). This request is also made to ensure that development is limited to a single dwelling and not one of the typical R3 uses until section 13.3.2 is enacted.

The NE redesignation is required because the existing NE zone extends into a portion of the property where there are no natural features to protect. The request is to reduce the NE zone to the GRCA Flood line. This flood line is depicted on the current Zone map and on the enclosed Sketch and Site Plan. GRCA informed us that the floodline elevation is 445.0m. This elevation has been surveyed on site from Frederick Street up to a drainage ditch heading towards the Conestoga River. The depiction of the floodline from the drainage ditch to Conestoga Street is based on the GRCA website depiction of this line.

GRCA reviewed the proposal and the intended new zone change limit. Please find enclosed a letter dated October 15, 2012 which confirms their satisfaction that access to the dwelling on the retained parcel will not be through the flood plain. We also asked for feedback from the GRCA regarding the proposed zone change and their requirements for development on this property. Below is a copy of an email on June 5 from Nathan Garland.

Hi Jeff,

I'm assigned to Wellington North.

1. The flood line can be the limit of development, but the regulation limit adjacent to the floodplain would be 5 meters. They would also not have to get a permit if they are more than 5 metres from the Engineered Floodplain.
2. The swale can be included in the limit of development, however, crossing or alteration of the Swale may end up needing a permit, if they can keep more than 15 meters from the swale top of Bank then we would not need a permit. If they are building closer we'd have to come and look at the property and evaluate the swale.

If you have any questions please free to call or email.

Regards,

**Nathan Garland**  
Resource Planner  
Grand River Conservation Authority  
(519) 621-2763 EXT. 2236

We are suggesting that the lands above the flood line be zoned from NE to R3H so that it be consistent with the rest of the property, however, we are open to the Township's suggestion of what the new residential designation will be. We request that the zoning will allow for the construction of a new dwelling on the retained parcel at the approximate

location as shown on the enclosed Site Plan.

Nathan Garland identified that the GRCA regulation limit to the flood line is 5m and that any development more than 15m from the swale top of bank would not require a GRCA development permit. We felt that these parameters would provide a good guideline for development on the subject property. We are asking, therefore, that the 30.0m setback requirement from an NE zone in section 6.20.1 be reduced to 15m.

Other Relevant Information

The initial application was originally accompanied with another severance application (B65/12) for an easement to additional and abutting lands owned by one of the applicants. County Planning staff provided the advice and direction to not proceed with the second application until further information was known regarding the intended use of the land to the rear. This advice was gladly accepted and the second application was deferred.

Condition 9 of the approved severance was added to allow for an easement for the sanitary service for the existing dwelling on the approved severance. The exact route of this lateral is not clear and the proposed easement is somewhat "triangularly-shaped" so that it will include the lateral. The enclosed preliminary Reference Plan for the severance shows the proposed easement as Part 3.

We understand that the allotment of new sanitary services for the Village of Arthur are limited and that one of the potential services has been allotted to the new dwelling on the retained parcel.

Also enclosed is a Site Plan showing the proposed development. Not all of the details have been determined, but the sanitary service has been designed by our engineering staff. The sanitary lateral for the new dwelling will have a gravity-fed connection to the man-hole in the front corner of the property. The basement sanitary connections will be pumped up to the gravity outlet of the new dwelling.

The subject property is subject to an easement in favour of the Municipality. This easement is described in Instrument RON95535 and extents over Parts 1 & 2 of 60R-2919. This easement crosses over the severed parcel and is shown as PART 1 on the preliminary Reference Plan.

Please call me if you or the Planning Staff have any questions.

Very truly yours,  
Van Harten Surveying Inc.



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

JEB:lb

c.c. Ed & Maggie Baratto

CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

Application for Zoning By-law Amendment

Application No. \_\_\_\_\_

A. THE AMENDMENT

1. TYPE OF AMENDMENT? Site Specific  Other \_\_\_\_\_

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?

- 1) Allow up to one residence per parcel in an R3H zone  
2) Change a portion of the NE designation to R3H  
3) Allow for a construction setback of 15m to the NE zone versus 30m

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): Edward Michael & Margaret-Anne Baratto

Address: 178 Frederick Street, P.O. Box 912, Arthur, ON, N0G 1A0

Phone: Home ( ) 519-848-6701 Work ( ) 519-212-7159 Fax ( ) \_\_\_\_\_

b) Applicant (Agent) Name(s): Jeff Buisman of Van Harten Surveying Inc.

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

Phone: Home ( ) \_\_\_\_\_ Work ( ) 519-821-2763 Fax ( ) \_\_\_\_\_

Jeff.Buisman@vanharten.com x225

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:  
TD Canada Trust, 4720 Tahoe Blvd, Building 1, Miss., ON, L4W 5P2

d) Send Correspondence To? Owner  Agent  Other  \_\_\_\_\_

e) When did the current owner acquire the subject land? June 2007 via Instrument WC176513

4. WHAT AREA DOES THE AMENDMENT COVER?  the "entire" property  a "portion" of the property (This information should be illustrated on the required drawing under item G of this application.)

5. PROVIDE A DESCRIPTION OF THE "ENTIRE" PROPERTY:

Municipal Address: 178 Frederick Street

Concession: \_\_\_\_\_ Lot: Park Lot 2 Registered Plan No: Crown Survey

Area: 2.8 hectares      Depth: 240 meters      Frontage (Width): 250 meters  
\_\_\_\_\_ acres                      \_\_\_\_\_ feet                      \_\_\_\_\_ feet

6. PROVIDE A DESCRIPTION OF THE AREA TO BE AMENDED IF ONLY A "PORTION" OF THE PROPERTY:

Area: 1.4 hectares      Depth: 240 meters      Frontage (Width): 140 meters  
\_\_\_\_\_ acres                      \_\_\_\_\_ feet                      \_\_\_\_\_ feet

7. WHAT IS THE CURRENT COUNTY OF WELLINGTON OFFICIAL PLAN DESIGNATION OF THE SUBJECT PROPERTY?

RESIDENTIAL AND CORE GREENLANDS

8. LIST LAND USES THAT ARE PERMITTED BY CURRENT OFFICIAL PLAN DESIGNATION

Residential-type uses in the Residential Area

9. WHAT IS THE CURRENT ZONING OF THE SUBJECT PROPERTY AND WHAT USES ARE PERMITTED?

NE & R3H; R3H Allows a Single Detached residential dwelling subject to the RIA zone requirements.

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

10. WHAT IS THE "EXISTING" USE(S) OF THE SUBJECT LAND?

Single Detached on severed parcel; proposed new dwelling on retained parcel.



11. HOW LONG HAS THE "EXISTING" USE(S) CONTINUED ON THE SUBJECT LAND?

Existing House constructed around 2007

12. WHAT IS THE "PROPOSED" USE OF THE SUBJECT LAND?

Continue existing dwelling on severed parcel and create new dwelling on Retained parcel.

13. PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS OR STRUCTURES ON THE SUBJECT LAND:

*(Please use a separate page if necessary.)*

	<u>Existing</u>		<u>Proposed</u>	
a) Type of Building (s) -or Structure (s)				
b) Date of Construction	2007+/-			
c) Building Height	4.5+/- (m)	_____ (ft)	4.5+/- (m)	_____ (ft)
d) Number of Floors	One Storey		One Storey	
e) Total Floor Area (sq.m.)	<u>240</u> (sq m)	_____ (sq ft)	<u>240</u> (sq m)	_____ (sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)	<u>240</u> (sq m)	_____ (sq ft)	<u>240</u> (sq m)	_____ (sq ft)
g) Distance from building/structure to the:	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
Front lot line	<u>13.4</u> (m)	_____ (ft)	<u>77</u> (m)	_____ (ft)
Side lot line	<u>5.0</u> (m)	_____ (ft)	<u>32/99</u> (m)	_____ (ft)
Side lot line	<u>7.8</u> (m)	_____ (ft)	<u>27</u> (m)	_____ (ft)
Rear lot line	<u>19.9</u> (m)	_____ (ft)	<u>154</u> (m)	_____ (ft)
h) % Lot Coverage	15%		1%	
i) # of Parking Spaces				
j) # of Loading Spaces				

D. EXISTING AND PROPOSED SERVICES

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

Provincial Highway                       Continually maintained municipal road                       Right-of-way   
 County Road                                       Seasonally maintained municipal road                       Water access

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

Frederick Street

16. 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. (This information should be illustrated on the required drawing under item G of this application.)

\_\_\_\_\_  
 \_\_\_\_\_

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Sewers	Communal Sewers	Private Wells	Other Water Supply	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing	(X)	( )	( )	<b>Municipal</b> (X)	( )	( )	( )
b) Proposed	(X)	( )	( )	(X)	( )	( )	( )

18. HOW IS THE STORM DRAINAGE PROVIDED?

Storm Sewers (X)                      Ditches (X)                      Swales ( )                      Other means (explain below)

Catch basin, infiltration, drainage to Conestoga River

E. OTHER RELATED PLANNING APPLICATIONS

19. HAS THE CURRENT OWNER (OR ANY PREVIOUS OWNER) MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

Official Plan Amendment	Yes ( )	No (X)
Zoning By-law Amendment	Yes ( )	No (X)
Minor Variance	Yes ( )	No (X)
Plan of Subdivision	Yes ( )	No (X)
Consent (Severance)	Yes (X)	No ( )
Site Plan Control	Yes ( )	No (X)

20. IF THE ANSWER TO QUESTION 19 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. and Date of Application: B89/12

Approval Authority: Wellington County Land Division Committee

Lands Subject to Application: Subject Lands

Purpose of Application: Sever existing dwelling and allow new residence on retain

Status of Application: Approved, subject to conditions.

Effect on the Current Application for Amendment: Required as a condition.

F. OTHER SUPPORTING INFORMATION

21. PLEASE LIST THE TITLES OF ANY SUPPORTING DOCUMENTS: (E.G. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report, etc.)

G. APPLICATION DRAWING

22. PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY MOORE APPROPRIATE TO SUBMIT ADDITONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING:

- Owners' / applicant's name;
- Legal description of property;
- Boundaries and dimensions of the subject property and its current land use;
- Dimensions of area of amendment (if not , the entire property);
- The size and use of all abutting land;
- All existing and proposed parking and loading areas, driveways and lanes;

- The nature of any easements or restrictive covenants on the property;
- The location of any municipal drains or award drains;
- Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- If access to the subject land is by water only, provide the location of the parking and docking facilities to be used; and
- Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits).

THE DRAWING SHOULD ALSO INCLUDE THE SCALE, NORTH ARROW AND DATE WHEN THE DRAWING WAS PREPARED.

**H. AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:**

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

Margaret-Anne Baratto Township of Wellington North  
 I (we) Edward Michael Baratto of the Town of Arthur in the  
 County / Region of Wellington do hereby authorize Jeff Buisman to  
of VanHarten Surveying Inc.

Act as my agent in this application.

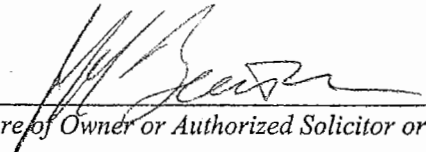
 June 11/13  
 Signature of Owner(s) Date

I. AFFIDAVIT: (This affidavit be signed in the presence of a Commissioner)

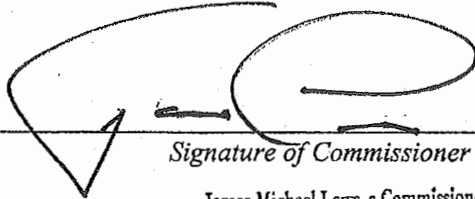
I (we) Jeff Buisman of the City of the

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 / Region of Wellington this 11th day of June 2013.

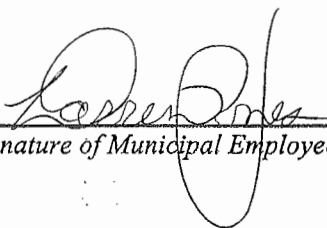
  
\_\_\_\_\_  
Signature of Owner or Authorized Solicitor or Authorized Agent

June 11, 2013  
\_\_\_\_\_  
Date

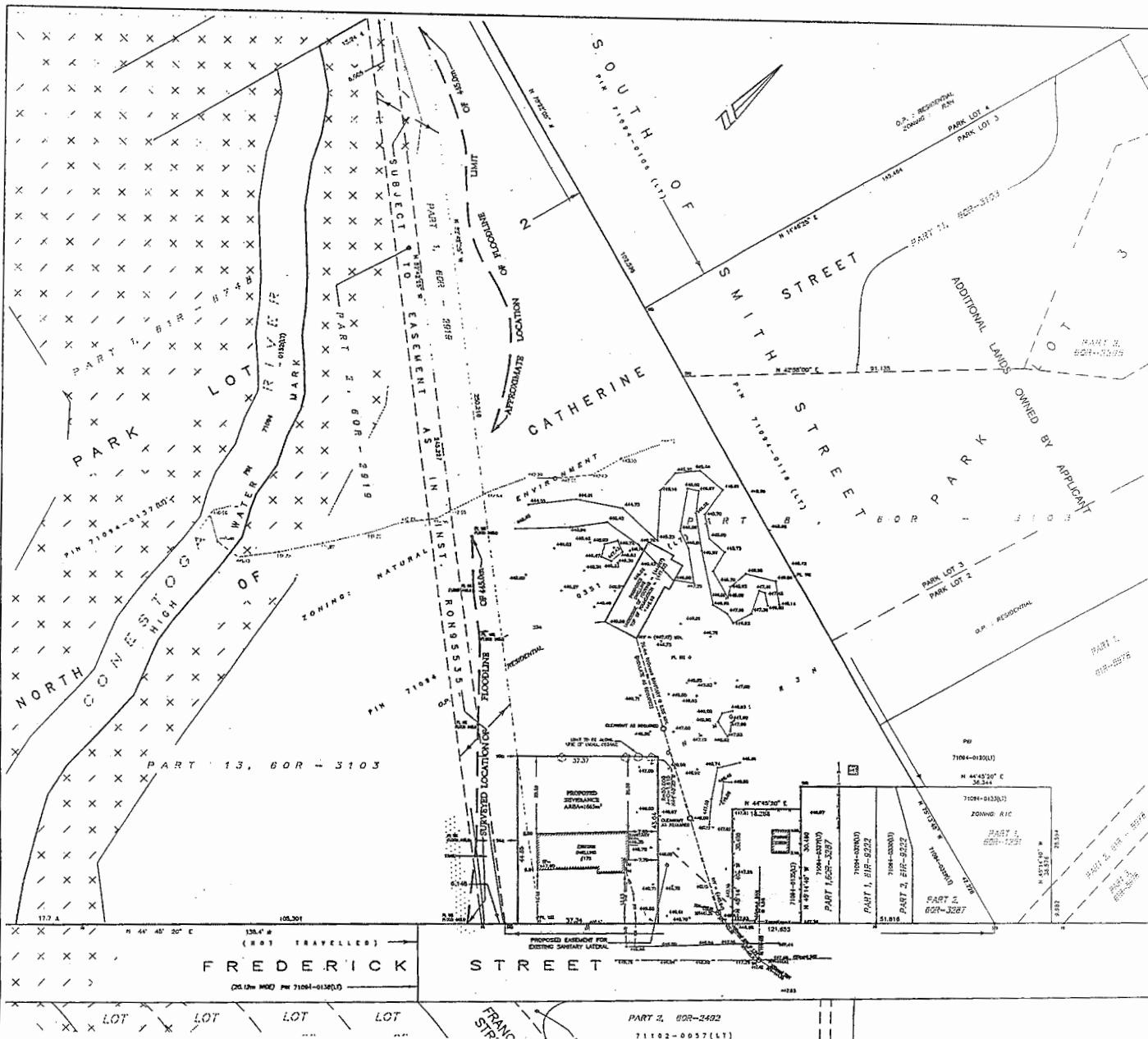
  
\_\_\_\_\_  
Signature of Commissioner  
James Michael Laws, a Commissioner,  
etc., Province of Ontario, for Van Harten  
Surveying Inc. Expires May 11, 2015.

June 11, 2013  
\_\_\_\_\_  
Date

APPLICATION AND FEE OF \$ 1500 RECEIVED BY MUNICIPALITY

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

June 13, 2013  
\_\_\_\_\_  
Date



**KEYMAP**

**PROPERTY DESCRIPTION**

- P/N 71094-035(LT) PART OF PARK LOT 2 CROWN SURVEY
- OWNER: MARGARET'S GRADING SERVICES
- ADDRESS: 178 PARKVIEW STREET
- LOT AREA: 30.41m<sup>2</sup>

**LEGEND:**

- EXISTING GRADE
- PROPOSED GRADE
- DIRECTION OF FLOW
- CONCRETE
- MANHOLE
- CONDUIT
- SHARP FLUMP DISCHARGE
- ENHANCED HYDRO
- UNDERGROUND SOIL
- NATURAL GAS
- WATERMAIN
- SANITARY SEWER
- STORM SEWER
- FENCE
- PROPOSED SWALE
- MEASURE MEASUREMENTS (S.M.R. 1997)

**ZONING: RESIDENTIAL HOLDING ZONE (RAH)**

REQUIRED	PROPOSED
MINIMUM LOT AREA = 250.3 sq m	30.41
MINIMUM LOT FRONTAGE = 30.1m	11.1
MINIMUM FRONT YARD = 7.5m	1.2
MINIMUM INTERIOR SIDE YARD	1.2
ONE STOREY = 1.2m	1.2
MORE THAN ONE STOREY = 1.2m	1.2
MINIMUM EXTERIOR SIDE YARD = 7.5m	1.2
MINIMUM REAR YARD = 7.5m	1.2
MAXIMUM LOT COVERAGE = 40%	31

**UNDERGROUND SERVICES:**

**TELEPHONE:** BASED ON LOCATE REPORT #2012251-25 FROM D-T-TEL  
**WATER:** BASED ON LOCATE REPORT #2012251-25 FROM D-T-TEL  
**SEWER:** UNDERGROUND HYDRO ONLY, AS BASED ON LOCATE FROM RESPECTIVE UTILITIES  
**WELLS:** BASED ON LOCATION OF WELLS AS SURVEYED  
**SANITARY:** BASED ON LOCATION OF MANHOLES & MEASURED INVERTS  
**STORM:** BASED ON LOCATION OF MANHOLES & MEASURED INVERTS

**CALL BEFORE YOU DIG:**  
 THE LOCATION OF SERVICES ON THIS DRAWING ARE ONLY APPROXIMATE AND BASED ON SURFACE FEATURES LOCATED AT THE TIME OF THE TOPOGRAPHIC SURVEY FROM TO ANY CONSTRUCTION IT IS THE RESPONSIBILITY OF THE CONTRACTOR/OWNER TO OBTAIN THE EXACT LOCATION OF ALL UTILITIES.

**SURVEYOR'S CERTIFICATE**  
 THIS TOPOGRAPHIC SURVEY WAS COMPLETED ON THE 13th DAY OF AUGUST, 2012

*Jeffrey C. Busway*  
 JEFFREY C. BUSWAY  
 SURVEYING AND LAND SURVEYING

*Michael A. Vaughan*  
 MICHAEL A. VAUGHAN P.ENG.

**CAUTION:** THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED FOR TRANSACTION OR MORTGAGE PURPOSES.  
 - THIS SCHEDULE IS PROTECTED BY COPYRIGHT ©

**LOT DEVELOPMENT PLAN**  
 PART OF PARK LOT 2  
 NORTH OF CATHERINE STREET  
 CROWN SURVEY  
 VILLAGE OF ARTHUR  
 TOWNSHIP OF WELLINGTON NORTH  
 COUNTY OF WELLINGTON  
 PREPARED FOR ED BARATTO  
 DRAWING SCALE 1:500

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

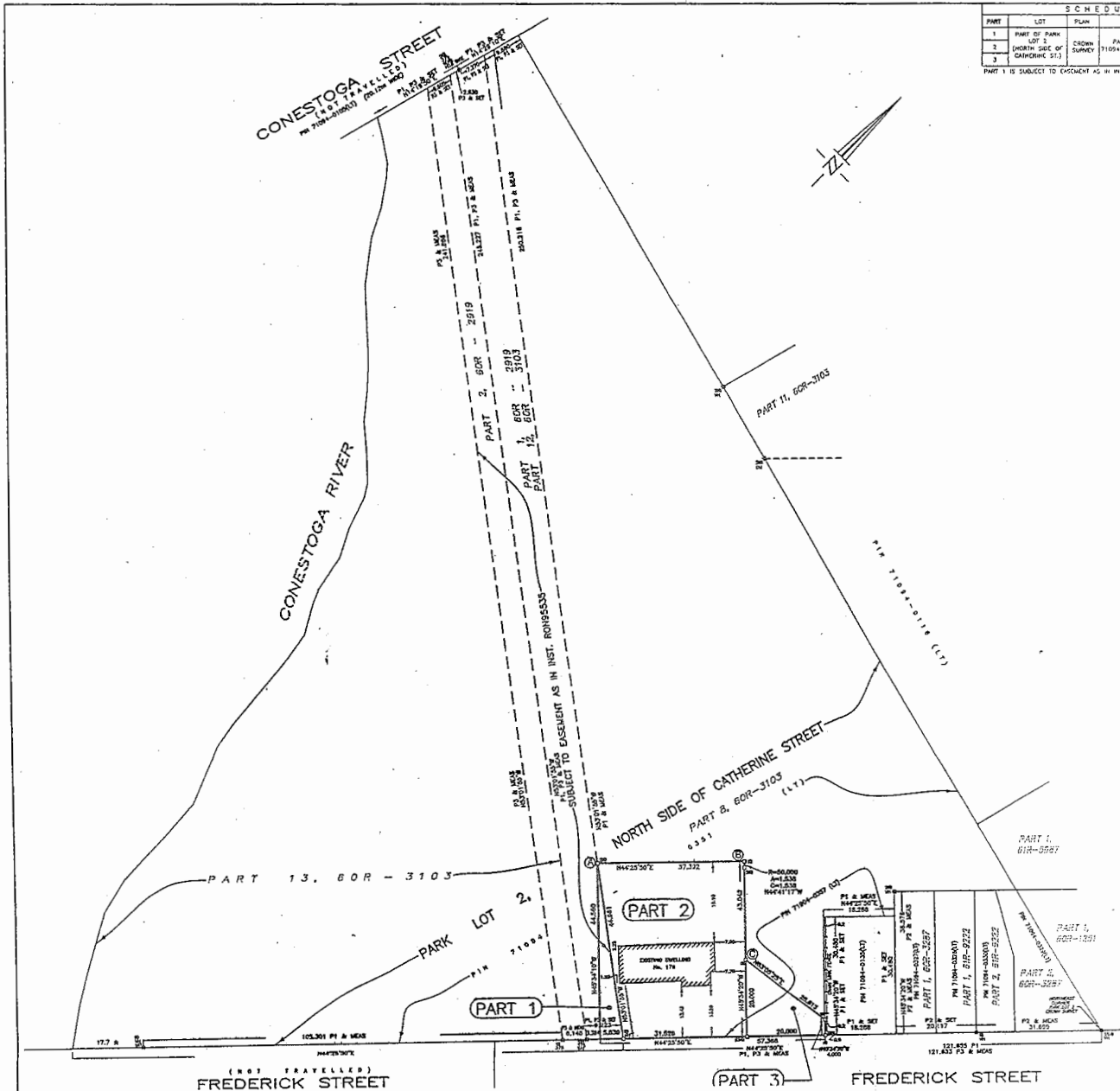
**REVISION SCHEDULE:**

NO.	DATE	COMMENTS
1	SEPT. 13/12	FINAL SUBMISSION
2	SEPT. 13/12	UPDATE SANITARY DESIGN
3	SEPT. 27/12	UPDATE SANITARY DESIGN

**Van Harten**  
 SURVEYING INC.  
 LAND SURVEYORS AND ENGINEERS

62

63



SCHEDULE				
PART	LOT	PLAN	FIN	AREA - m <sup>2</sup>
1	PART OF PARK LOT 2 (NORTH SIDE OF CATHERINE ST.)	CROWN SURVEY	PART OF 11094-035 (N1)	1230
2				1230
3				240

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE: JUNE 3, 2013

DATE: \_\_\_\_\_

JEFFREY E. BUSMAN, D.L.S. REPRESENTATIVE FOR THE LAND TITLES DIVISION OF WELLINGTON N.S. ST.

PLAN OF SURVEY OF PART OF PARK LOT 2 (NORTH SIDE OF CATHERINE STREET) CROWN SURVEY (VILLAGE OF ARTHUR) TOWNSHIP OF WELLINGTON NORTH COUNTY OF WELLINGTON

SCALE: 1:500

VAN HARTEN SURVEYING INC.

- LEGEND:
- CONDOTS SURVEY MONUMENT SET
  - CONDOTS SURVEY MONUMENT FOUND
  - S— CONDOTS 215 x 215 x 1.20 STANDARD HIGH BAR
  - B— CONDOTS 215 x 215 x 0.60 HIGH BAR
  - S— CONDOTS 215 x 215 x 0.60 CHISEL STANDARD WITH BAR
  - P— CONDOTS 215 DIA. x 0.07 ROUND PLOW BAR WITH STAMPED WASHING
  - C— CONDOTS 215 x 215 x 0.20 PLASTIC BAR
  - C— CONDOTS CUT CROSS
  - C— CONDOTS BENCH STAKE
  - C— CONDOTS WITNESS
  - C— CONDOTS CHISEL INSTRUMENT
  - C— CONDOTS VAN HARTEN SURVEYING INC. D.L.S. 1
  - C— CONDOTS BLACK STAKEWAGON W. D.L.S. 1
  - C— CONDOTS DEPOSITED PLAN 608-1303 OF 1910
  - C— CONDOTS DEPOSITED PLAN 608-3287 OF 1910
  - C— CONDOTS DEPOSITED PLAN 608-2519 OF 1910

- BEARING AND COORDINATE NOTE:
- BEARINGS AND CURV BEARINGS ARE DERIVED FROM GPS OBSERVATIONS AND ARE REFERRED TO THE UTM PROJECTION, ZONE 17 AND 83 (EURE-TOWNS) ADJUSTMENT.
  - DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND DISTANCES, AND CAN BE CONVERTED TO HORIZONTAL DISTANCES BY MULTIPLYING BY AN AVERAGE CORRECTION SCALE FACTOR OF 0.99932.
  - COORDINATES ON THIS PLAN ARE UTM, ZONE 17, NAD83 (EPSG=2002) ADJUSTMENT AND ARE BASED ON GPS COORDINATES FROM A NETWORK OF PERMANENT GPS REFERENCE STATIONS.

POINT ID	NORTHING	EASTING
A	4,853,138.28	526,825.38
B	4,853,184.14	526,856.14
C	4,853,147.53	526,907.96

THESE COORDINATE VALUES COMPLY WITH SECTION 14(2) (b) OF THE 1910 ACT. THESE COORDINATES OBTAINED BY INTERPOLATION TO 10 CM ACCURACY. THE SPACING OF BOUNDARIES SHOWN ON THIS PLAN.

BEARING COMPARISONS:

FOR THE PURPOSES OF BEARING COMPARISONS, PREVIOUS SURVEYS HAVE BEEN ROTATED TO UTM BEARINGS BY THE ANGLES SHOWN BELOW

PLAN	ROTATION FOR BOUNDARY BEARINGS
BY	0.0010
BY	0.0010

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 23rd DAY OF APRIL, 2013.

DATE: JUNE 3, 2013

JEFFREY E. BUSMAN  
ONTARIO LAND SURVEYOR

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

**Van Harten**  
SURVEYING INC.  
LAND SURVEYORS AND ENGINEERS

422 WOODVIEW STREET  
WELLINGTON, ONT. N1Y 2K1

586 HURON ROAD, UNIT 1  
WELLINGTON, ONT. N1Y 2K1

**REQUESTS:**

1. ALLOW UP TO ONE DWELLING FOR THE APPROVED SEVERANCE AND FOR THE RETAINED PARCEL ON THE AREA CURRENTLY ZONED R3H. SHOWN AS [Hatched Box].
2. RE-ZONE THE PORTION OF NATURAL ENVIRONMENT ZONE SHOWN AS [Cross-hatched Box] TO R3H ALLOWING UP TO ONE DWELLING.
3. TO ALLOW CONSTRUCTION OF A NEW BUILDING ON THE R3H LANDS TO BE WITHIN 15m OF THE NATURAL ENVIRONMENT ZONE.

ZONING: NATURAL ENVIRONMENT (TO BE RE-ZONED TO RESIDENTIAL)



ZONING: R3H



ZONING: NATURAL ENVIRONMENT (TO REMAIN)

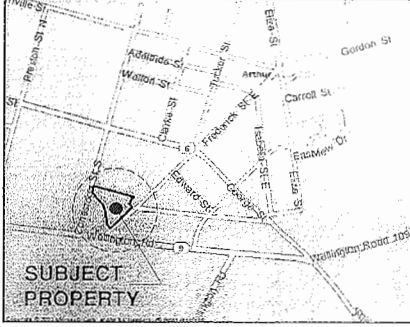


**ZONE CHANGE SKETCH**  
**PART OF PARK LOT 2**  
**NORTH OF CATHERINE STREET**  
**CROWN SURVEY**  
**VILLAGE OF ARTHUR**  
**TOWNSHIP OF WELLINGTON NORTH**  
**COUNTY OF WELLINGTON**

SCALE 1 : 1500

0 25 50 75 metres

VAN HARTEN SURVEYING INC.



**SURVEYOR'S CERTIFICATE**

THIS SKETCH WAS PREPARED ON THE 5th DAY OF JUNE, 2013.

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 NATURAL ENVIRONMENT & RESIDENTIAL R3H.
3. SUBJECT LANDS HAVE AN OFFICIAL PLAN DESIGNATION OF RESIDENTIAL & CORE GREENLANDS.
4. DISTANCES ON THIS PLAN ARE SHOWN IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048



**Van Harten**  
 SURVEYING INC.

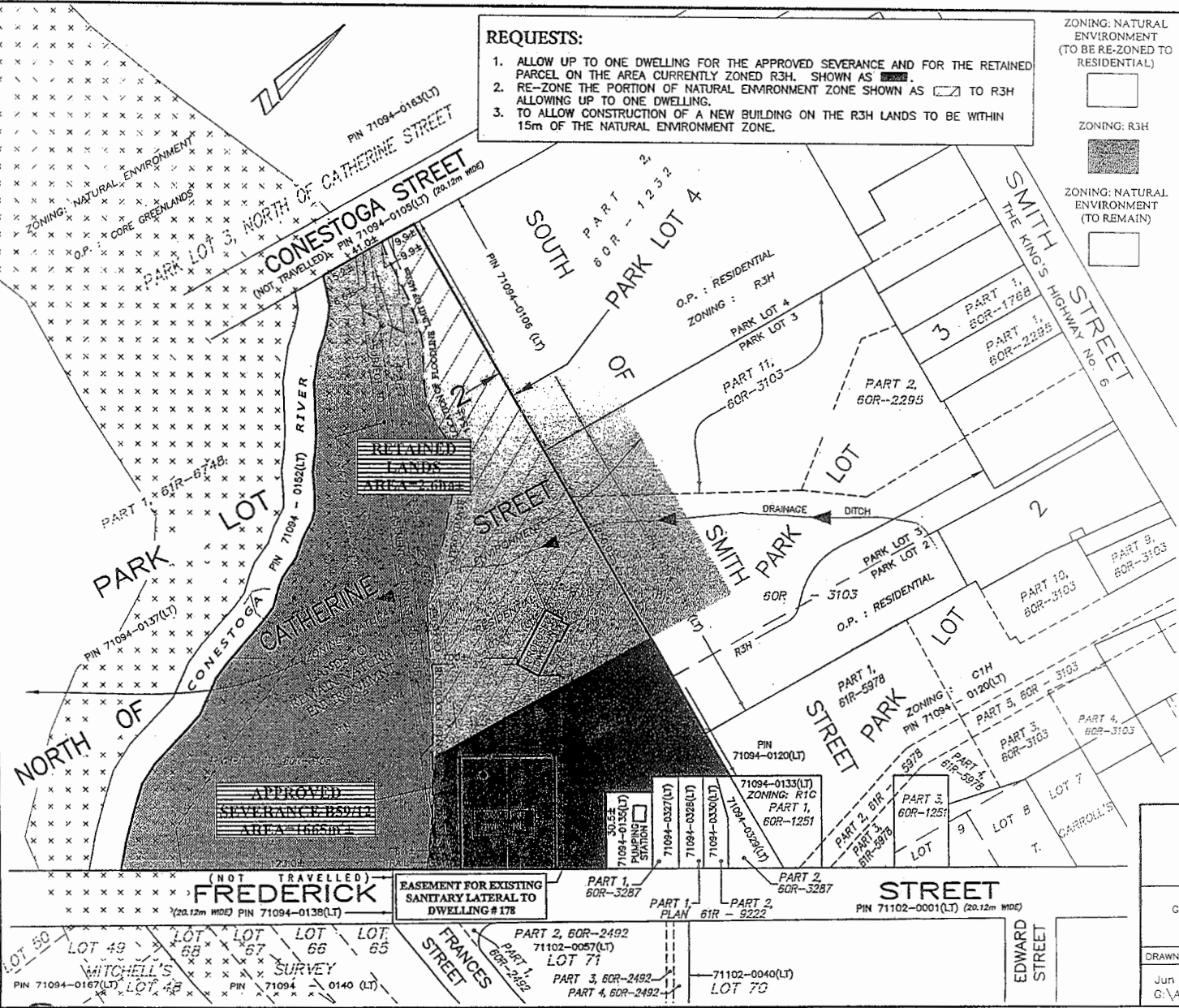
LAND SURVEYORS and ENGINEERS

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

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

DRAWN BY: S.A.P. CHECKED BY: J.E.B. PROJECT No. 20527-12

Jun 11, 2013-3:43pm  
 G:\ARTHUR\Crown\ACAD\ZONE CHANGE PTPARKLOT2 (BARATTO).dwg



EASEMENT FOR EXISTING  
 SANITARY LATERAL TO  
 DWELLING #178

SO. E. SURVEYING STATION  
 71094-0133(LT)  
 71094-0327(LT)  
 71094-0328(LT)  
 71094-0329(LT)  
 71094-0330(LT)

71094-0133(LT)  
 ZONING: R1C  
 PART 1,  
 60R-1251

71094-0120(LT)  
 ZONING: R3H  
 PART 1,  
 60R-5978

71094-0120(LT)  
 ZONING: R3H  
 PART 2,  
 60R-5978

71094-0120(LT)  
 ZONING: R3H  
 PART 3,  
 60R-5978

71094-0120(LT)  
 ZONING: R3H  
 PART 4,  
 60R-5978

71094-0120(LT)  
 ZONING: R3H  
 PART 5,  
 60R-5978

71094-0120(LT)  
 ZONING: R3H  
 PART 6,  
 60R-5978





COUNTY of WELLINGTON PLANNING & LAND DIVISION COMMITTEE  
Wellington County Administration Centre  
74 Woolwich Street Guelph, Ontario N1H 3T9

ONTARIO PLANNING ACT, Section 53(14)

NOTICE of DECISION

On Application B59/12

APPLICANT:

Edward & Margaret-Anne Baratto  
175 Frederick St.  
PO Box 912  
Arthur ON N0G 1A0

LOCATION of SUBJECT LANDS:

WELLINGTON NORTH (Arthur Village)  
Part of Park Lot 2  
N/S Catherine St.  
Crown Survey

The Planning and Land Division Committee, considering all of the evidence presented, and being assured that it had jurisdiction to consider the matter which was submitted to it, concludes that:

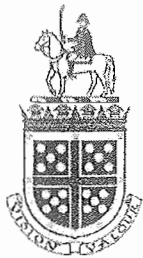
In the matter of an application by Edward & Margaret-Anne Baratto pursuant to Section 53 of the Planning Act, R. S. O. 1990 as amended for consent to convey land, being Part of, **PROVISIONAL CONSENT IS GRANTED SUBJECT TO THE FULFILMENT OF NINE CONDITIONS OF APPROVAL.** The Planning and Land Division Committee has the opinion that a plan of subdivision of the subject lands is not necessary for the proper and orderly development of the municipality for this proposal; that the proposal satisfies generally the intent of the criteria of Section 51, subsection 24 of the Planning Act, R.S.O. 1990 as amended; and that the proposal is consistent with the Intent and policies of the Provincial Policy Statement; and that it conforms generally to the intent and policies of the County's and Local Municipality's official plans; and, further, that the proposal represents compatible development, good planning and does not offend the public interest.

**FINAL CONSENT IS DEEMED TO BE GIVEN** when the Secretary-Treasurer of the Planning and Land Division Committee has received written proof that all of the conditions of approval have been fulfilled within the prescribed period of time.

**THE PLANNING AND LAND DIVISION COMMITTEE ADVISES THE APPLICANT** that all of the conditions of approval for this provisional consent must be fulfilled within a period of one year after written notice of this decision was given or consent shall be deemed to be refused. In the event of an appeal to the Ontario Municipal Board, the application for consent shall not be deemed to be refused for failure to fulfill the conditions until the expiry of one year from the date of the order or date of the notice of the Ontario Municipal Board issued in respect of the appeal.

**CONDITIONS OF APPROVAL TO BE FULFILLED NO LATER THAN 4:00 p.m. SEPTEMBER 20, 2013:**

- 1) THAT the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".
- 2) THAT the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document for Consent B59/12.
- 3) THAT the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review for and issuance of the Certificate of Consent.
- 4) THAT the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor shall provide a full print of that deposited reference plan(s) to the secretary-treasurer of the Planning and Land Division Committee.
- 5) THAT the Owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the severed and retained parcel; and further that the applicable authority file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.
- 6) THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 7) THAT the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 8) THAT the severed and retained parcels be rezoned to allow one dwelling only and to address the location of an appropriate building envelope on the retained lands to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.
- 9) THAT any existing servicing easements be identified on the Registered Reference Plan deposited on title to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.



## 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

July 11, 2013

Darren Jones, Building Official  
Township of Wellington North  
7490 Sideroad 7 W  
Kenilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Baratto – Park lot 2, RP 60R-2919  
Rezone from Natural Environment to Residential  
Draft Zoning By-law Amendment**

### **PLANNING OPINION**

The zone amendment is required as a condition of consent in which the existing dwelling has been severed from the remainder of the land holdings. The applicant would like to construct a residence on the retained lands. The Natural Environment (NE) zone associated with the Conestogo River and floodplain has been further defined by the GRCA and the zoning will reflect the new floodplain location as well as the required setback for any new buildings to the floodplain.

Staff have no concerns with the proposed amendment provided the GRCA is satisfied with the amended boundary of the Natural Environment zone.

### **SUBJECT LAND**

The subject land is legally described as Park Lot 2, RP 60R-2919 with a civic address of 178 Frederick Street West in Arthur village. The land is approximately 2.4 hectares (5.9 acres) in size.

### **PURPOSE**

The purpose of the amendment is to rezone the subject lands from Natural Environment (NE) to residential to allow for the construction of a single family dwelling. This zone amendment is required as a condition of approval for severance application B59/13 which was granted provisional consent by Wellington County Land Division committee on September 13<sup>th</sup>, 2013.

### **PROVINCIAL POLICY STATEMENT (PPS)**

The subject property is considered to be within the Urban Centre of Arthur Village. Section 1.1.3.1 of the Provincial Policy Statement states that "settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted." Settlement areas are encouraged to include a mix of densities and land uses.

### **WELLINGTON COUNTY OFFICIAL PLAN**

The lands subject to the rezoning are designated RESIDENTIAL. Section 8.3.2 of the Official Plan identifies objectives for the RESIDENTIAL areas of urban centres, stating that an effort be undertaken to ensure potential compatibility issues between residential and other land uses are minimized. Permitted uses within the designated RESIDENTIAL areas of urban centres include residential dwellings, including a variety of housing types.

## ZONING BY-LAW

The lands subject to the zone amendment are currently zoned Natural Environment (NE). The NE zone does not permit residential development. A draft by-law is attached rezoning a portion of the lands to R3(H)-33.

## PLANNING COMMENTS

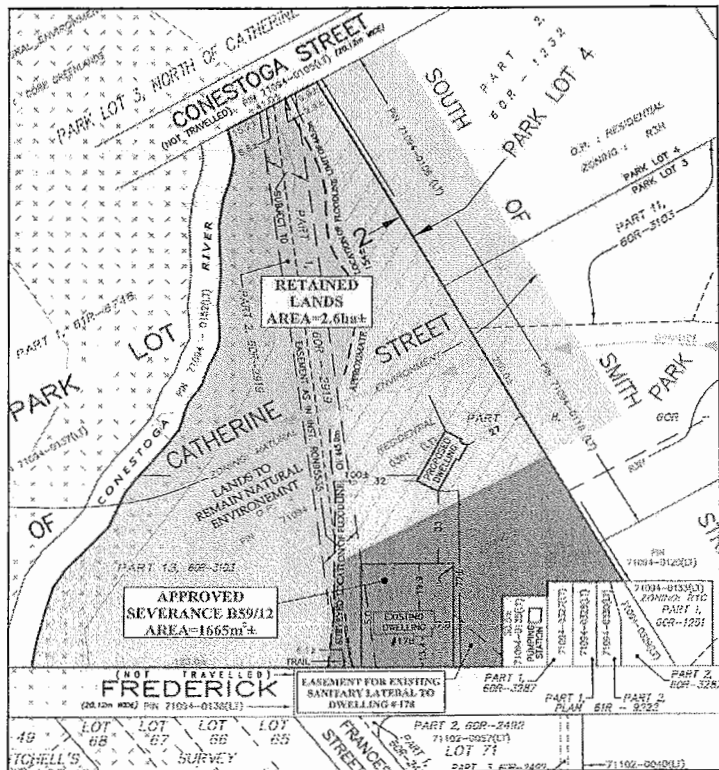
The subject lands are currently developed with a single family dwelling. The applicants received provisional approval to sever the dwelling from the remainder of the lands and would like to construct a new dwelling to the rear of the existing one (see figure 1). The location of the proposed dwelling is located within the current NE zoned area of the property.

The Natural Environment (NE) zone boundaries identified on the schedules to the Zoning By-law are intended to generally identify the location of potentially hazardous environmental features. In this case the zoning is associated with the Conestogo River and associated floodplain. However during review of development applications and building permit applications, if necessary, the boundaries of the NE zone shall be more precisely determined in consultation with the Conservation Authority. Where detailed resource mapping and/or site inspection results in a re-interpretation of the limits of the NE zone boundary, all requirements of the Zoning by-law shall be reviewed relative to the revised interpretation of the NE Zone boundary, including any applicable setbacks (see section 2.6).

Section 6.20 (Natural Environment and Municipal Drain setbacks), of the zoning by-law, sets out criteria for the location of uses and buildings adjacent to or within the NE zone. New buildings are required to maintain a 30 metre setback from the limit of a NE zone. However section 6.20c) further states that "interpretation of the limits of the NE zone boundaries is governed by regulations contained in Section 2.6 of the zoning by-law. The location of the 30m setback boundaries shall be adjusted accordingly in the event that the NE zone boundary is re-interpreted.

The Grand River Conservation Authority (GRCA) has reviewed the location of the proposed house and has provided a precise floodplain location or a re-interpretation of the NE limits. The GRCA has further recommended a minimum setback of 5 metres from the Floodplain. As such the draft by-law amends the NE zone to locate it as per the GRCA's mapping and provides provisions to permit a new building(s) at a 5 metre setback from the NE zone.

Figure 1



I trust that these comments will be of assistance to Council in their consideration of this matter.  
Sincerely,

Linda Redmond B.A.  
Senior Planner

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
BY-LAW NUMBER \_\_\_\_\_.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01  
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 2 to By-law 66-01 is amended by changing the zoning on lands described as Park lot 2, RP 60R-2919 as shown on Schedule "A" attached to and forming part of this By-law from **Natural Environment (NE)** to **"Residential Holding Exception (R3(H)-33)**
2. THAT Section 31, Exception Zone 1 – Arthur Village, is amended by the inclusion of the following new exception:

<b>31.33</b>  <b>Park lot 2, RP 60R-2919</b>	<b>R3(H)-33</b> <b>Notwithstanding section 6.20.1a) of this by-law, the required setback from the Natural Environment NE zone limit, for any new buildings shall be 5 metres.</b>  <b>And further one single family dwelling shall be permitted only and shall be located directly to the rear of the home located at 178 Frederick Street West.</b>
--	---

3. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.
4. THAT this By-law shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34 (30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

READ A THIRD TIME AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

\_\_\_\_\_

MAYOR

\_\_\_\_\_

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO \_\_\_\_\_.

Schedule "A"



Rezone from Natural Environment (NE) to Residential Holding Exception (R3(H)-33)

Passed this \_\_\_\_ day of \_\_\_\_\_ 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK

## EXPLANATORY NOTE

BY-LAW NUMBER \_\_\_\_\_.

**THE LOCATION** being rezoned is in Park lot 2, with a civic address of 178 Fredrick Street in Arthur Village. The property is approximately 2.4 hectares (5.9 acres) in size and is currently occupied by a dwelling.

**THE PURPOSE AND EFFECT** The purpose of the amendment is to rezone a portion of the subject lands from Natural Environment (NE) to Residential Exception R3(H)-33, to allow for the construction of a single family dwelling. This zone amendment is required as a condition of approval for severance application B59/12 which was granted provisional consent by Wellington County Land Division committee on September 13<sup>th</sup>, 2013.



**PLAN REVIEW REPORT: Township of Wellington North  
Darren Jones, Chief Building Official**

**DATE:** July 9<sup>th</sup>, 2013

**YOUR FILE:**

**GRCA FILE:** Wellington/NorthWell/2013/ZC/NC

**RE:** Application for Zoning By-law Amendment  
Park Lot 2  
178 Fredrick Street

**GRCA COMMENT: \***

Provided the Zoning amendment only applies to those lands which are not within the floodplain for the Conestogo River. The Grand River Conservation Authority (GRCA) has no objection to the proposed amendment to rezone the subject area outside the floodplain to allow for residential development.

**BACKGROUND:**

**1. Resource Issues:**

Located on the subject property is the Conestogo River the floodplain associated with the Conestogo River and the adjacent allowances.

**2. Legislative/Policy Requirements and Implications:**

Future construction or other alteration on the parcel within the regulated area will require prior written approval from the Grand River Conservation Authority in the form of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit.

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

The adjacent setback from the Natural Environment line may also be considered as part of this application, therefore the GRCA recommend a minimum 5 metre setback from the Floodplain (Natural Environment).

Should you have any questions or comments please feel free to contact me.

Regards,

Nathan Garland  
Resource Planner  
Grand River Conservation Authority

\* *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. Jeff Buisman, Van Harten Surveying Inc.  
Mark Van Patter, County of Wellington  
Linda Redmond, County of Wellington



### 178 Fredrick, Arthur

#### LEGEND

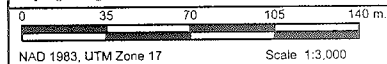
- DYKE (GRCA)
- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- LAKE SHORELINE REACHES (GRCA)
- LAKE FLOOD (GRCA)
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- LOTS (NRVIS)
- FLOODPLAIN-SPECIAL POLICY AREA (GRCA)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- LAKE EROSION (GRCA)
- LAKE DYNAMIC BEACH (GRCA)
- WETLAND (GRCA)
- SLOPE VALLEY (GRCA)
- STEEP**
- OVERSTEEP
- SLOPE EROSION (GRCA)
- STEEP**
- OVERSTEEP
- TOE
- WETLAND (NRVIS)
- PROVINCIALY SIGNIFICANT
- OTHER
- UNEVALUATED
- PARKS (GRCA)
- PROPERTY-OTHER (GRCA)
- MNR PROPERTY-GRCA MANAGED
- EASEMENT
- PROPERTY (GRCA)
- REGULATION LIMIT (GRCA)
- DRAINAGE-POLY (NRVIS)
- WOODED AREA (MNR)
- HEDGEROW
- PLANTATION

#### GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon 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 interpretations 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://grims.grandriver.ca/docs/SourcesCitations1.htm>





## UPPER GRAND DISTRICT SCHOOL BOARD

500 Victoria Road North, Guelph, Ontario N1E 6K2  
Phone: (519) 822-4420 Fax: (519) 826-9534

**Martha C. Rogers**  
Director of Education

June 25, 2013

PLN: 13-33  
File Code: R14  
Sent by: Mail & Email

RECEIVED

JUN 28 2013

TWP. OF WELLINGTON NORTH

Darren Jones, CBO  
Township of Wellington North  
7490 Sideroad 7, W  
Kenilworth, Ontario N0G 2E0

Dear Mr. Jones:

**Re: Proposed Zoning By-Law Amendment – 178 Fredrick Street, Arthur**

Staff at the Upper Grand District School Board has received and reviewed the above noted amendment dated June 21, 2013.

Staff at the Planning Department of the Upper Grand District School Board *does not object* to the Proposed Zoning By-law Amendment, subject to the following condition:

- Education Development Charges shall be collected prior to the issuance of a building permit.

Should you require additional information, please feel free to contact me at (519) 822-4420 x821.

Thank you,

Jackie Hope  
Planning Department