

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A3/11

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APPLICATION A3/11

Applicant: John Benham and Deborah Benham

THE LOCATION OF THE SUBJECT PROPERTY is described as Part of Lot 9, Concession 6, with a civic address of 8395 Line 6 (Damascus). The property is approximately 0.43 hectares (1.07 acres) in size and has frontage on Line 6 and Wellington Road 16.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required maximum size of an accessory structure under the Wellington North Zoning By-law. The subject lands are zoned a combination of Unserviced Residential (R1A), Natural Environment Exception 55 (NE-55) and Natural Environment (NE). Other variances may be considered where deemed appropriate.

4. The Secretary Treasurer confirmed that the original notice was mailed to surrounding property owners and required agencies on July 14, 2011 as well as posted on the property.
5. Denise Whaley, Township Planner, reviewed her comments dated July 20, 2011.

The variances requested would provide relief from the maximum size of an accessory structure, and the minimum setback of an accessory structure from the NE zone. The applicant is proposing to construct a 223m² (2400ft²) shed. No information was provided as to why the applicant requires a shed of this size or how the shed will be used. The impact of the proposal appears to be minor in nature, however the committee should be satisfied that the accessory structure is intended for personal use and not for commercial purposes. As the GRCA has determined the proposed shed is to be located outside the NE boundary, we would have no other concerns with this application.

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

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In the Wellington North Zoning By-law the subject lands are zoned a combination of Unserviced Residential (R1A), Natural Environment Exception 55 (NE-55) and Natural Environment (NE). The property is currently occupied by a dwelling. According to Section 33.55 of the by-law: *the lands zoned NE-55 are areas that have been identified by the Grand River Conservation Authority (GRCA) as being within the "Flood Fringe"*. The NE and NE-55 zone boundaries are under the jurisdiction of the GRCA and staff relies on the GRCA to interpret the exact location of the NE boundaries.

Since the GRCA has determined that the location of the shed is outside of the NE zone boundary the following relief is required:

1. A maximum floor area of 223m² (2400ft²) for a detached accessory structure, whereas the by-law allows a maximum floor area of 92.9m² (1000ft²).
 2. A setback of 0.0m (0.0ft) from the NE zone for a detached accessory structure, whereas the by-law requires a 3 m (9.8ft) setback.
6. Correspondence/Comments received:
- Grand River Conservation Authority
 - no objection

7. Questions/Comments

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

The Applicant was present to answer any questions regarding the application.

Jack Benham, Representing the applicant, his son John, indicated that he purpose is to build a shed for storage of snowmobile, classic car, and tractor that are currently housed in different buildings.

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

None.

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

Committee – Comments and Questions

Councillor Lennox questioned if any building to the south would be prohibited.

Ms. Whaley stated that it would be up to the Grand River Conservation Authority if other buildings are allowed. Another building could go there but it would require another minor variance. If the conservation authority rewrites where the flood plain is that could change.

Moved by: Councillor Burke
Seconded by: Councillor Lennox

THAT the minor variance applied for in Application A3/11 be authorized.

Resolution No. 2

Carried

8. Adjournment (7:38 p.m.)

Moved by: Councillor
Seconded by: Councillor

That the Committee of Adjustment meeting of July 25, 2011 be adjourned.

Resolution No. 3

Carried

Secretary Treasurer

Chairman