



Township of Wellington North

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

COMMITTEE OF ADJUSTMENT

Monday, July 25th, 2011 – 7:30 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

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AGENDA ITEM	PAGE NO.
<p><u>Chairman</u></p> <ol style="list-style-type: none">1. Officially open the public meeting.2. Declaration of Pecuniary Interest and General Nature Thereof.3. Minutes, A2/11 (attached)	01
<p><u>APPLICATION A3/11</u></p>	
<p>Applicant: John Benham and Deborah Benham</p>	
<p>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 location of the property is shown on the map attached.</p> <p>THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required 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.</p>	09
<ol style="list-style-type: none">4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on July 14th, 2011 as well as posted on the property.5. Application for a Minor Variance	10

AGENDA ITEM	PAGE NO.
6. Township Planner – Denise Whaley will review the County comments (attached).	21
7. Correspondence/Comments received: - Grand River Conservation Authority 8. Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance? Are there any persons present who wish to make oral and/or written submissions against this application? Those wishing to be notified of decision please leave name and address with secretary-treasurer. Committee: - Comments and questions	23
9. Adjournment.	

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

The Committee of Adjustment met on Monday, June 20, 2011 at the Kenilworth Municipal Office, at 7:15 p.m.

**Members Present: Chairman: Raymond Tout
Sherry Burke
Mark Goetz
Andy Lennox**

Absent: Dan Yake

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

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

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

THAT the Committee of Adjustment meeting minutes of June 6, 2011 – A2/11 and A5/08 be adopted as presented.

Resolution No. 1

Carried

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

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

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APPLICATION A2/11

Applicant: Steve Hummel and Sharon Hummel

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

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

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

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

The Planning Department had no concerns with the relief requested at this time. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property, provided that:

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

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

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

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

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

Severed Parcel (A) – Proposed Single Detached Bungalow

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

Retained Parcel (B) – 1 ½ Storey existing

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

TOWNSHIP OF WELLINGTON NORTH

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A2/11

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Severed Parcel (C) – Proposed Single Detached Bungalow

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

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

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

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

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

6. Correspondence/Comments received:

- Saugeen Valley Conservation Authority
- no objection

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COMMITTEE OF ADJUSTMENT

A2/11

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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.

Mr. Hummel reviewed the sketch of the proposed lots. He acknowledged that Mr. Hill lives beside the proposed inside lot, and that Mr. Nelson is the father of the adjacent neighbour, Stuart Nelson. He noted that Council had supported the original application with changes to the configuration. Mr. Hummel amended the application by removing the planned rear driveway. The proposed use of these lots is single family homes with attached garages. The original house would remain on the middle lot. This would meet policies on intensification. Mr. Hummel felt there is plenty of room for two more homes and is requesting four feet variance for both lots. He has built similar homes elsewhere.

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

Bill Nelson spoke on behalf of his son and daughter-in-law, 311 Henry Street, and as a realtor and raised concerns regarding density. These lots will have less than the required frontage. They are concerned with the depth and width of the corner lot which will require a narrow width house. There are six variances requested and the Nelsons are concerned with setting a precedent that may affect development in the future.

Robert Hill, 465 Durham St., cited his previous experience sitting on the Committee of Adjustment for the Town of Mount Forest. Mr. Hill provided a copy of the letter he submitted to the Land Division Committee on March 4, 2011 outlining his objection to the severances. He stated that the Committee has a mandate to use the zoning by-law to provide guidelines and protect the surrounding properties. The size of the severed lots would not meet the requirements of the current zoning - R1C – Residential. Mr. Hill felt that this should be a request for a complete By-law change as this would be precedent setting if permitted. Mr. Hill questioned the justification for the centre lot. Three of the requested variances impact the centre lot. Mr. Hill commented that the Saugeen Conservation Authority had no concerns with the application; but, questioned if they are aware that there is a sink hole on the rear of the land and you can't build on unstable land.

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A2/11

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Ms. Redmond explained that approval of this application would not set a precedent. The Committee does not look at previous consents and minor variances when reviewing applications.

Paul Greenfield, lives across the street from the subject property. Mr. Greenfield stated that there are policies and by-laws in place and it is Council's job to keep things as is with only minor adjustments. He is concerned with the size of the lots and stated that families don't want small lots.

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 stated that he had objections to the initial submission. He expressed his concern with the number of variances being requested and felt he could not support the application as it no longer seems minor. Councillor Lennox questioned if another configuration would be possible.

Mr. Hummel explained that one variance runs into the other, the biggest variance is the 40 ft. frontage for the centre lot, which is the result of trying to leave more footage between houses. Some of the variances were created as a result of alleviating the concerns of neighbours. Mr. Hummel suggested that changing to R2 and building a triplex would create more intensification.

Mayor Tout questioned if it would be beneficial to remove the existing house and create two lots instead of three.

Mr. Hummel stated that the existing house is staying. He purchased the property from Mr. Padfield with the belief the property could be divided. Mr. Padfield's mother recently moved out.

Councillor Burke did not support the application. The homes are similar to those Mr. Hummel is building in Arthur but the lots are smaller.

Councillor Goetz questioned if the existing house left on the centre lot could be replaced if something happened to it.

Mr. Hummel stated that it could be rebuilt.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A2/11

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Mayor Tout read the comments Councillor Yake had provided. Councillor Yake did not support the application as presented. He felt that creating 3 undersized lots with 6 minor variances in an existing neighbourhood is wrong and expressed concern that we would be opening the door for future developments of significantly undersized lots. Councillor Yake expressed concern that Provincial Planning Policy says that we need to squeeze more people into less space, no matter what the municipal Council or neighbours say. He is also concerned about setting a precedent and asked Council to not support this application and asked that the developer be required to come up with another plan.

Mayor Tout commented that he appreciated the developer's efforts but felt that two larger homes would better suit the neighbourhood than what is proposed. Mayor Tout asked the applicant if he would like to defer the application to consider other alternatives or if he wished to proceed with a decision at this meeting.

Mr. Hummel requested that a decision be made at this meeting regarding this application.

Moved by: Councillor Lennox

Seconded by: Councillor Goetz

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

Resolution No. 2

Carried

Recorded vote	Yea	Nay
Burke	X	
Goetz	X	
Lennox	X	
Yake (absent)		
Tout	X	

4 Yeas 0 Nays Carried

***Reasons for decision: - Variances are not considered minor in nature.
- Not a desirable use of the land.***

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COMMITTEE OF ADJUSTMENT

A2/11

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8. Adjournment

Moved by: Councillor Burke

Seconded by: Councillor Goetz

That the Committee of Adjustment meeting of June 20, 2011 be adjourned.

Resolution No. 3

Carried

Secretary Treasurer

Chairman





TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: June 28, 2011

File Number: A 3 111

Roll # 23-49-000-015-04895-0000

Date Application Filed:

Application Fee Received: \$ 750.00

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): JOHN + DEB BENHAM

Address: 8395 LINE 6 RR#4 KENILWORTH

Phone: Home (519) 848-5934 Work (519) 993-1566 Fax 519-848-6318

Email: djzbenham@gmail.com

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:

ROYAL BANK 199 GEORGE ST. ARTHUR 848-2532

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

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

Measurements are in: Metric [X] Imperial [] units

Municipal Address: PART LOT 9 COM. 6 TOWNSHIP OF WELLINGTON NORTH

Concession: 6 Lot: 9 Registered Plan No.: 60R-3062

Area: 4338.7 m Depth: Frontage (Width): 30.54 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 []

C74. RD 16

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

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

Official Plan Designation: RESIDENTIAL

Zoning: RESIDENTIAL

B. EXSTING AND PROPOSED SERVICES

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

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

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

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

C74. RD 16

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)

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

SHED TO BE 40'x60' (2400 sq. FT.)

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

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

a) THE SUBJECT PROPERTY? RESIDENTIAL

b) THE ABUTTING PROPERTIES? RESIDENTIAL, AGRICULTURAL

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

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Type of Building(s)	<u>Home</u>	<u>SHED</u>	b) Main Building Height	<u>23 1/2'</u>	<u>21'8"</u>
c) % Lot Coverage			d) # of Parking Spaces	<u>2</u>	
e) # of Loading Space(s)			f) Number of Floors	<u>1</u>	<u>1</u>
g) Total Floor Area (exclude basement)	<u>1760</u>	<u>2400</u>	h) Ground Floor Area	<u>1760</u>	<u>2400</u>

12.* WHAT IS THE LOCATION OF ALL BUILDINGS EXISTING AND PROPOSED FOR THE SUBJECT PROPERTY (Specify distances from front, rear and side lot lines) Measurements are in: Metric [] Imperial [] units

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Front Yard	<u>64</u>	<u>225</u>	b) Side Yards	<u>17' 20'</u>	<u>120' 20'</u>
c) Rear Yard	<u>293</u>	<u>128</u>			

13.* DATE OF ACQUISITION OF SUBJECT PROPERTY: MAY 11/2001

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: SUMMER 2001

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

15.* HAS THE OWNER PREVIOUSLY APPLIED FOR RELIEF IN RESPECT OF THE SUBJECT PROPERTY
YES NO
IF THE ANSWER IS YES, PLEASE INDICATE THE FILE NUMBER AND DESCRIBE BRIEFLY:
B 146/09 LOT LINE ADJUSTMENT

F. OTHER RELATED PLANNING APPLICATIONS

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

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

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

File No. of Application: B 146/09

Purpose of Application: LOT LINE ADJUSTMENT

Status of Application: COMPLETE

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

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

I (we) _____ of the _____ of _____,

County/Region of _____ do hereby authorize _____ 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) JOHN BENHAM 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 28 day of June, 2011.

John Benham
Signature of Owner or Authorized Solicitor or Authorized Agent

June 28/11
Date

Catherine E. More
Signature of Commissioner

June 28/11
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:

Debbie Jones
Signature of Municipal Employee

June 28/11
Date

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 of :

Properties

PIN 71116 - 0013 LT Interest/Estate Fee Simple Split
 Description PT LT 9 CON 6 WEST LUTHER BEING PART 2, 61R-11048; WELLINGTON NORTH
 Address RR #4
 KENILWORTH

Consideration

Consideration \$ 1.00

Transferor(s)

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

Name BENHAM, ELIZABETH JEAN
 Address for Service R. R. #4
 Kenilworth, Ontario
 NOG 2E0

I am at least 18 years of age.

John Fairbairn Benham and I are spouses of one another and are both parties to this document

This document is not authorized under Power of Attorney by this party.

Writ Number	Name	Statement
09-0000421	BENHAM, SUSAN ELIZABETH	The party is not one and the same as the party named in this writ and the judgment was less than \$50000

Name BENHAM, JOHN FAIRBAIRN
 Address for Service R. R. #4
 Kenilworth, Ontario
 NOG 2E0

I am at least 18 years of age.

Elizabeth Jean Benham and I are spouses of one another and are both parties to this document

This document is not authorized under Power of Attorney by this party.

Transferee(s)

Name	Capacity	Share
BENHAM, DEBORAH ANN	Joint Tenants	
Date of Birth 1967 11 05		
Address for Service R.R. #4 Kenilworth, Ontario NOG 2E0		
BENHAM, JOHN SCOTT	Joint Tenants	
Date of Birth 1966 01 15		
Address for Service R.R. #4 Kenilworth, Ontario NOG 2E0		

Statements

The Planning and Land Division Committee of The Corporation of The County of Wellington has consented to the severance herein. See Schedules

Schedule: The County of Wellington Planning & Land Division Committee has consented to the severance herein under Application No. B146/09: Subsection 50(3) of the Ontario Planning Act, R.S.O. 1990 as amended shall apply to any subsequent conveyance or any transaction involving the parcel of land herein and the abutting lands to which this consented parcel is to be added (being Part Lot 9, Concession 6, West Luther, Township of Wellington North) shall be dealt with contemporaneously in any future conveyances or transactions unless further consent is granted under the Planning Act or other lawful order. See Schedule

The applicant(s) hereby applies to the Land Registrar.

Signed By

Ronald George Sansom S105 Silvercreek Parkway N., Ste. acting for First Signed 2010 03 01
 100, PO Box 1240 Transferor(s)
 Guelph
 N1H 6N6

Tel 5198210010

Fax 5198371617

Ronald George Sansom S105 Silvercreek Parkway N., Ste. acting for Last Signed 2010 03 03
 100, PO Box 1240 Transferor(s)
 Guelph N1H 6N6

Tel 5198210010

Fax 5198371617

I am the solicitor for the transferor(s) and the transferee(s) and this transfer is being completed in accordance with my professional standards.

I have the authority to sign and register the document on behalf of all parties to the document.

Ronald George Sansom S105 Silvercreek Parkway N., Ste. acting for First Signed 2010 03 01
 100, PO Box 1240 Transferee(s)
 Guelph
 N1H 6N6

Tel 5198210010

Fax 5198371617

Ronald George Sansom S105 Silvercreek Parkway N., Ste. acting for Last Signed 2010 03 03
 100, PO Box 1240 Transferee(s)
 Guelph N1H 6N6

Tel 5198210010

Fax 5198371617

I am the solicitor for the transferor(s) and the transferee(s) and this transfer is being completed in accordance with my professional standards.

I have the authority to sign and register the document on behalf of all parties to the document.

Submitted By

SMITH VALERIO TE LAW FIRM LLP S105 Silvercreek Parkway N., Ste. 2010 03 03
 100, PO Box 1240
 Guelph
 N1H 6N6

Tel 5198210010

Fax 5198371617

Fees/Taxes/Payment

Statutory Registration Fee \$60.00

Provincial Land Transfer Tax \$0.00

Total Paid \$60.00

File Number

Transferor Client File Number : 08RGS-39385

LAND TRANSFER TAX STATEMENTS

In the matter of the conveyance of: 71116 - 0013 PT LT 9 CON 6 WEST LUTHER BEING PART 2, 61R-11048; WELLINGTON NORTH

BY: BENHAM, ELIZABETH JEAN
 BENHAM, JOHN FAIRBAIRN

TO: BENHAM, DEBORAH ANN Joint Tenants %(all PINs)
 BENHAM, JOHN SCOTT Joint Tenants %(all PINs)

1. BENHAM, DEBORAH ANN AND BENHAM, JOHN SCOTT

I am

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

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

(a) Monies paid or to be paid in cash	1.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	0.00
(ii) Given Back to Vendor	0.00
(c) Property transferred in exchange (detail below)	0.00
(d) Fair market value of the land(s)	0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	1.00
(h) VALUE OF ALL CHATTELS - items of tangible personal property	0.00
(i) Other considerations for transaction not included in (g) or (h) above	0.00
(j) Total consideration	1.00

4.

Explanation for nominal considerations:

s) other: Conveyance from mother and father to son and daughter in law for natural love and affection. No consideration passing directly or indirectly.

5. The land is subject to encumbrance

PROPERTY Information Record

A. Nature of Instrument: Transfer
 LRO 61 Registration No. WC270916 Date: 2010/03/03

B. Property(s): PIN 71116 - 0013 Address RR #4 Assessment 2354000 - 00204900
 KENILWORTH Roll No

C. Address for Service: R.R. #4
 Kenilworth, Ontario
 N0G 2E0

D. (i) Last Conveyance(s): PIN 71116 - 0013 Registration No. LT52921
 (ii) Legal Description for Property Conveyed : Same as in last conveyance? Yes No Not known

E. Tax Statements Prepared By: Ronald George Sansom
 S105 Silvercreek Parkway
 N., Ste. 100, PO Box 1240
 Guelph N1H 6N6

FORM 4

PLANNING ACT

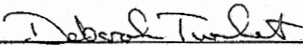
CERTIFICATE OF OFFICIAL

Under subsection 53(42) of the *Planning Act, R.S.O. 1990, c.P.13*, I certify that the **consent** of the Planning and Land Division Committee of the Corporation of the County of Wellington was given on **February 26, 2010** to a **conveyance** of the following land:

Part Lot 9, Concession 6, geographic Township of West Luther, now Township of Wellington North, being Part 2 on Reference Plan 61R-11048; Township of Wellington North, County of Wellington.

Subsection 50(3) of the Planning Act, R.S.O. 1990, c.P.13 applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.

Dated this 26th day of February, 2010


Secretary-Treasurer

Certificate Number: 03151

File Number: B146/09 (Benham)

The applicant(s) hereby applies to the Land Registrar.

yyyy mm dd Page 1 o

Properties

PIN 71116 - 0012 LT
 Description PT LT 9 CON 6 WEST LUTHER PT 3 60R3062; WELLINGTON NORTH
 Address RR #4
 KENILWORTH

PIN 71116 - 0099 LT
 Description PT LT 9 CON 6 WEST LUTHER BEING PART 2, 61R-11048 TOWNSHIP OF
 WELLINGTON NORTH
 Address KENILWORTH

Applicant(s)

Name BENHAM, DEBORAH ANN
 Address for Service R. R. #4
 Kenilworth, Ontario
 NOG 2E0

This document is not authorized under Power of Attorney by this party.

Name BENHAM, JOHN SCOTT
 Address for Service R. R. #4
 Kenilworth, Ontario
 NOG 2E0

This document is not authorized under Power of Attorney by this party.

Statements

The registered owner applies to consolidate the selected PINs and the proposed description for the parcels to be consolidated is PT LT 9 CON 6 WEST LUTHER BEING PARTS 1 & 2, 61R-11048; WELLINGTON NORTH.

Signed By

Ronald George Sansom S105 Silvercreek Parkway N., Ste. acting for Signed 2010 11 18
 100, PO Box 1240 Applicant(s)
 Guelph
 N1H 6N6

Tel. 5198210010
 Fax 5198371617

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

Submitted By

SMITH VALERIOTE LAW FIRM LLP S105 Silvercreek Parkway N., Ste. 2010 11 18
 100, PO Box 1240
 Guelph
 N1H 6N6

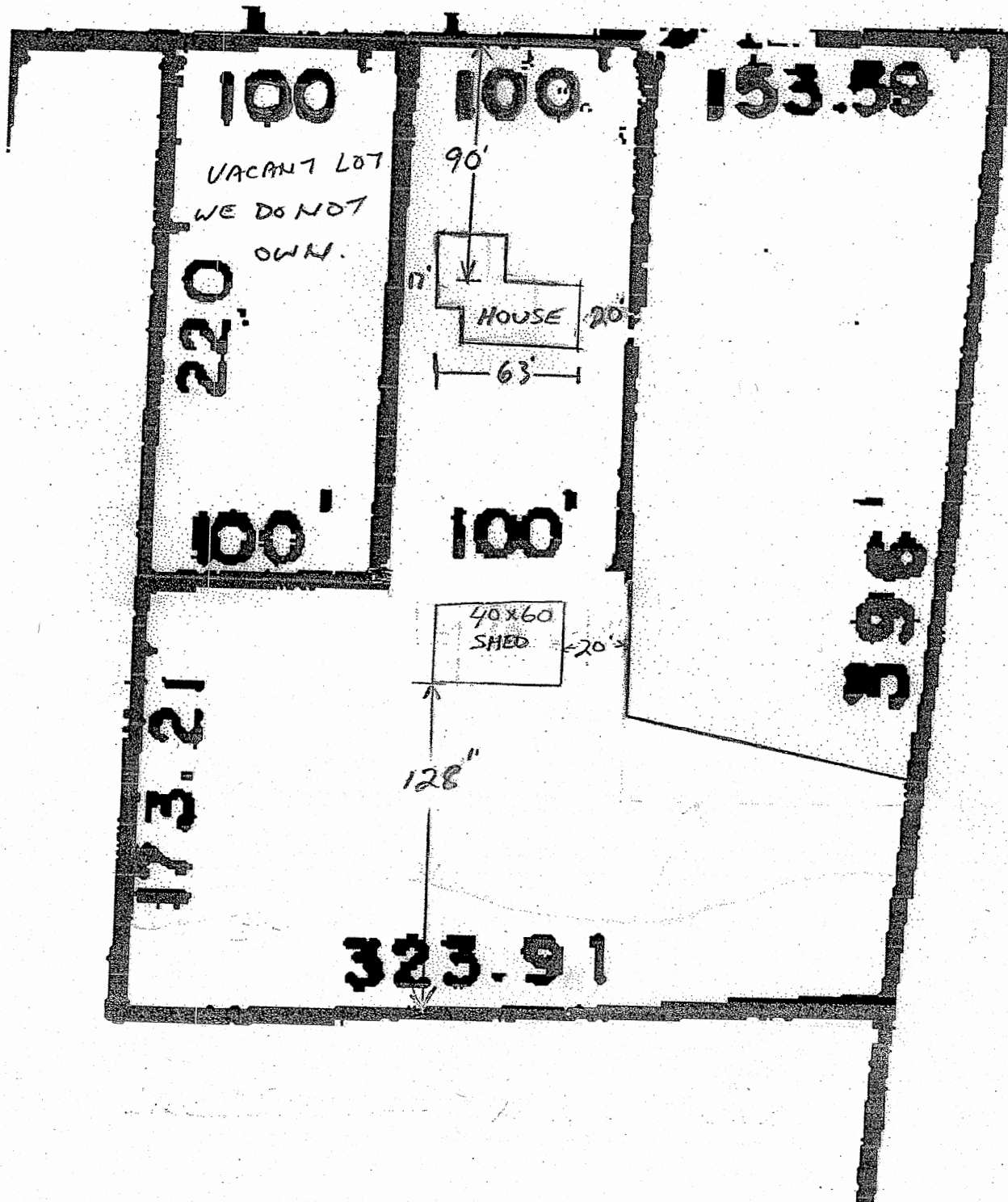
Tel. 5198210010
 Fax 5198371617

Fees/Taxes/Payment

Statutory Registration Fee \$60.00
 Total Paid \$60.00

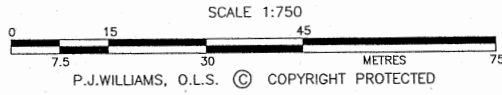
File Number

Applicant Client File Number : 08RGS-39385



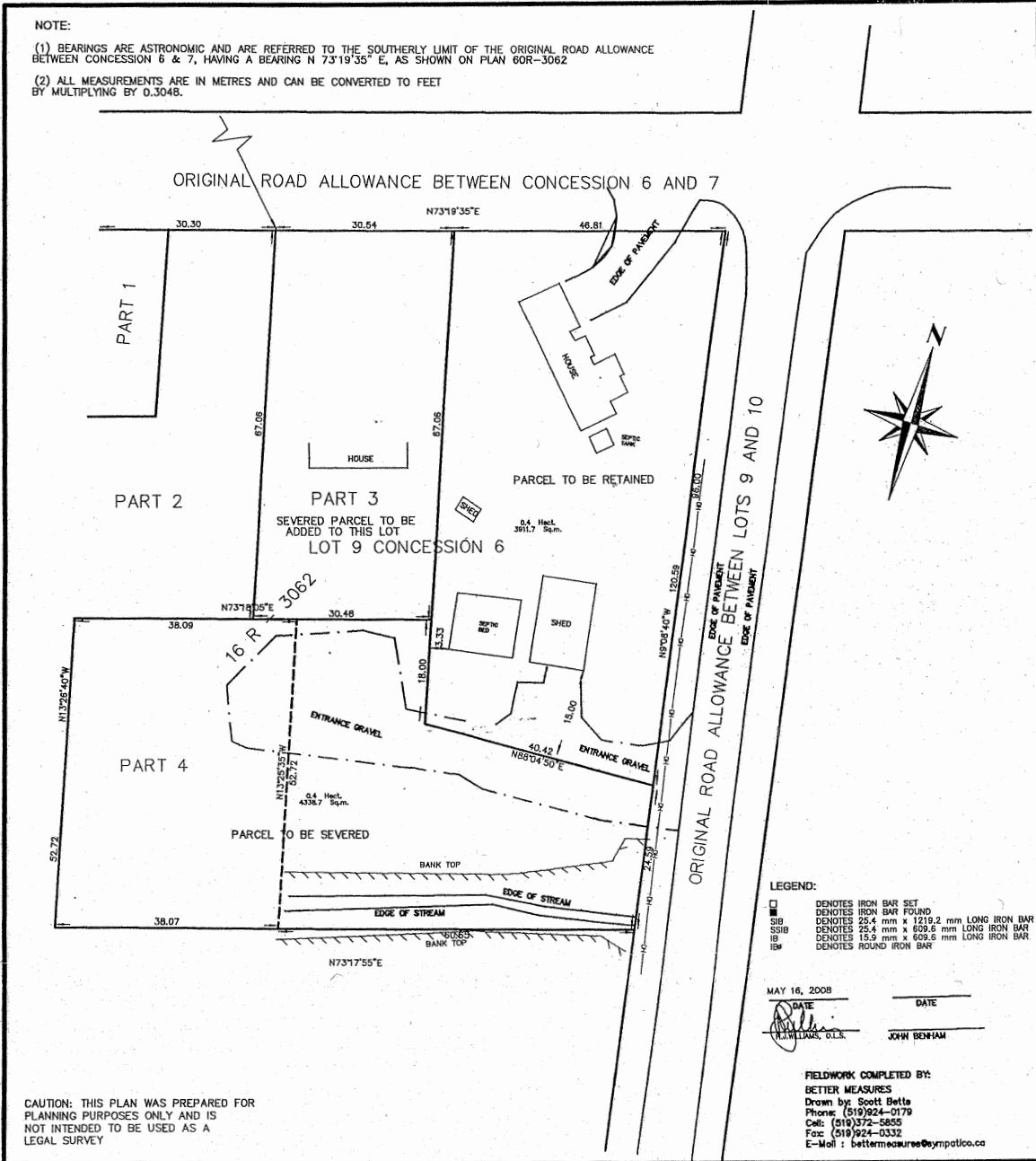
CON. 6 PART LOT 9 WELINGTON NORTH

SITE PLAN FOR JOHN BENHAM
PART OF LOT 9
CONCESSION 6
GEOGRAPHIC TOWNSHIP OF WEST LUTHER
MUNICIPALITY OF NORTH WELLINGTON
COUNTY OF WELLINGTON



NOTE:

- (1) BEARINGS ARE ASTROMOMIC AND ARE REFERRED TO THE SOUTHERLY LIMIT OF THE ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSION 6 & 7, HAVING A BEARING N 73°19'35" E, AS SHOWN ON PLAN 60R-3062
- (2) ALL MEASUREMENTS ARE IN METRES AND CAN BE CONVERTED TO FEET BY MULTIPLYING BY 0.3048.



P.J. WILLIAMS, ONTARIO LAND SURVEYOR

OFFICE ADDRESS: 606286 RIVER ROAD, RR#3, SHELBURNE, ONTARIO L0N1S7
PHONE: (519)941-6231, (519)925-0057 FAX: (519)925-4010
E-MAIL: pjw1211@aol.com



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 20, 2011

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

Dear Mr. Jones,

Re: **Minor Variance Application A3/11**
Part Lot 9, Con 6
8395 Line 6, Damascus
Benham

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

Planning Opinion: 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.

Wellington County Official Plan: 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.

Wellington North Zoning By-law: The subject lands are zoned a combination of Unserved 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.

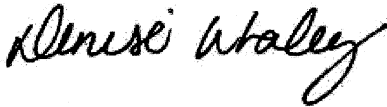
Page 2
Variance A3/11

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.

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

Yours truly,

A handwritten signature in black ink that reads "Denise Whaley". The signature is written in a cursive, flowing style.

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



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

**RECEIVED
JUL 21 2011**

DATE: JULY 19, 2011
GRCA FILE: Wellington/Well N/MV/C

YOUR FILE: A3/11

TWP. OF WELLINGTON NORTH

**RE: Application for Minor Variance Maximum size for accessory structure
8395 Line 6, Damascus**

GRCA COMMENT: *

The Grand River Conservation Authority has no objection to the proposed variance. A permit will be required from our office for any proposed buildings on the subject lands. The applicant should be aware that our policies contain limitations on the location and size of proposed buildings that may impact any proposed building.

BACKGROUND:

1. Resource Issues:

The subject lands are within a flood plain and contain or are adjacent to wetland, fish habitat.

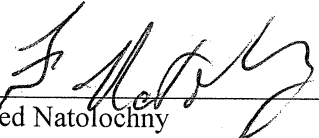
2. Legislative/Policy Requirements and Implications:

This lot is within a Two-Zone flood plain policy area, where development within the flood plain may be considered, subject to meeting technical criteria. This would be assessed through the permit process under Ontario regulation 150/06. Any proposed building should be located so as to avoid the wetland, and situated to not negatively impact the wetland and the adjacent fish habitat. These issues would not impact consideration of the variance, but can be dealt with through the Building Permit application and the GRCA permit process..

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

Please be advised that any future construction or other alteration on the subject property will require the prior written approval of the Grand River Conservation Authority. The Membership of the GRCA has established fees for the review and comments provided for circulated Planning Act applications. We will be invoicing for \$250 directly to the applicant.





Fred Natolochny
Supervisor of Resource Planning
Resource Management Division

c.c. John & Deborah Benham, 8395 Line 6, R.R. 4, Kenilworth, N0G 2E0

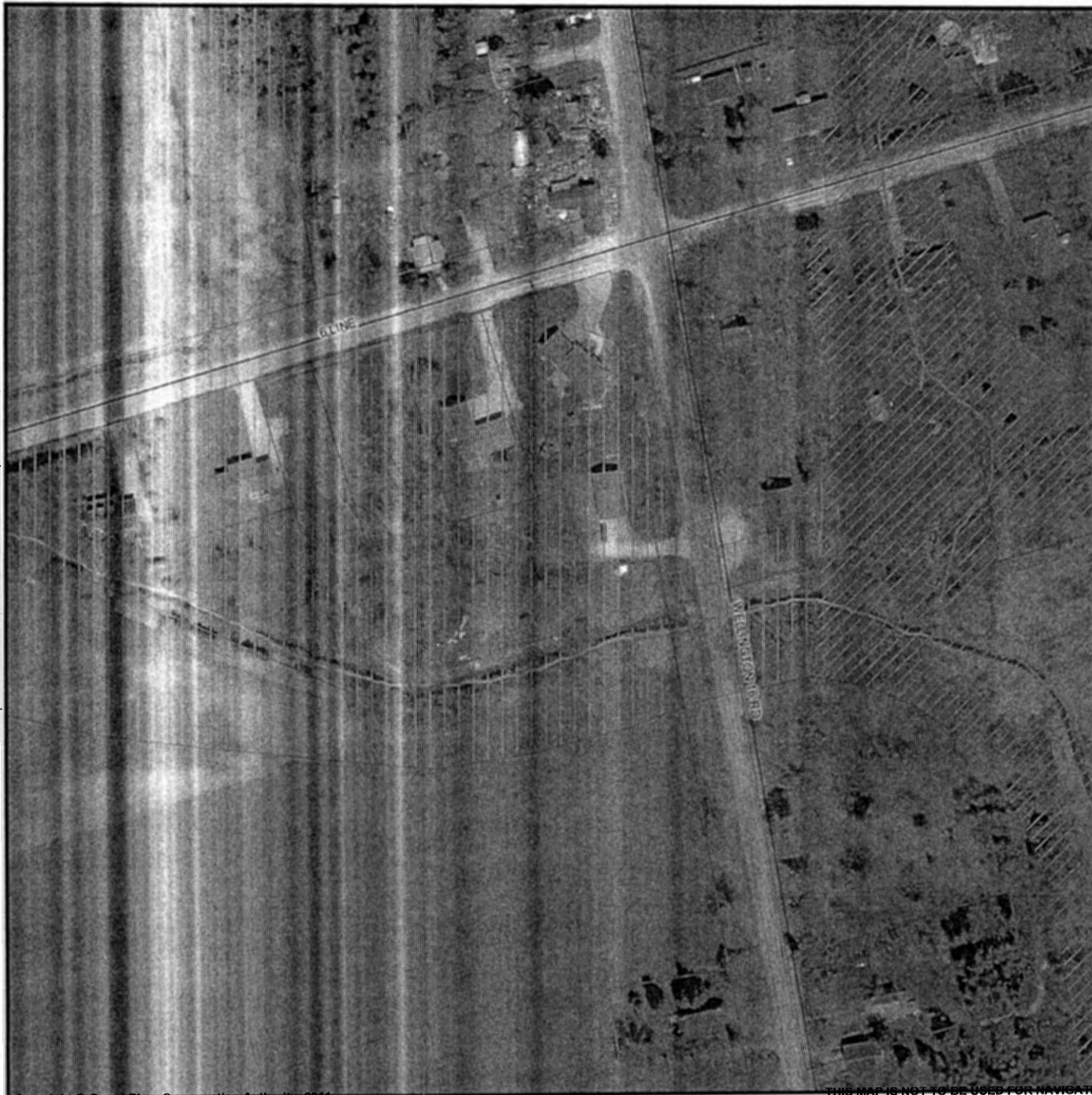
* *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*



8395 Line 6

LEGEND

- WATERSHED BOUNDARY (GRCA)
- UTILITY LINE (NRVIS)
- ROADS-ADDRESSED (MNR)
- RAILWAY (NRVIS)
- CLASSIFIED STREAMS - NEW (NRVIS)
- COLD WATER
- COOL WATER
- UNKNOWN
- WARM WATER
- DRAINAGE-NETWORK (GRCA)
- PARCELS-ASSESSMENT (MPAC)
- FLOODPLAIN (GRCA)
- ENGINEERED
- APPROXIMATE
- ESTIMATED
- WETLAND (GRCA)
- PARKS (GRCA)
- DRAINAGE-POLY (NRVIS)



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>

