



Township of Wellington North

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

COMMITTEE OF ADJUSTMENT

Monday, August 9th, 2010 – 7:15 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

Page 1 of 3

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, A5-10 (attached)	01
<p><u>APPLICATION A6/10</u></p> <p>Applicant: James Hamilton and Bonnie Hamilton</p> <p>THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 10, Township of Wellington North with a civic address of 130 Elgin St N, Community of Mount Forest. The property is occupied by a single detached dwelling and detached garage. 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 section 6.1.2 b) and 6.1.3 of the Wellington North Zoning By-law regulating building height and minimum setbacks for accessory structures. The applicant is proposing to replace the existing detached garage on the subject lands with a new 18 ft x 24 ft detached garage. Relief is required to increase the maximum height permitted for the garage and to decrease the minimum rear and side yard setbacks. The property is located in a Mixed Use (MU1) zone.</p> <ol style="list-style-type: none">4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on July 26th, 2010 as well as posted on the property.	06

**Committee of Adjustment Agenda
August 9th, 2010 – 7:15 p.m.**

AGENDA ITEM	PAGE NO.
5. Application for a Minor Variance	07
6. Township Planner – Linda Redmond will review the County comments (attached).	14
7. Correspondence/Comments received: - None	
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	

AGENDA ITEM	PAGE NO.
<p><u>APPLICATION A7/10</u></p> <p>Applicant: Ross Ferguson and Gladys Ferguson</p> <p>THE LOCATION OF THE SUBJECT PROPERTY is described as North Part Lot 14, Concession 9, Former Township of Arthur with a civic address of 9110 Concession 9. The 40 ha (99 ac) farm parcel is occupied by a single detached dwelling and outbuildings. 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 section 8.2.4 d) of the Wellington North Zoning By-law regulating interior side yard setbacks for accessory agricultural buildings. The applicant is proposing to build a new pit silo and hay shed. Relief is requested to decrease the minimum interior side setback from 18.3 m (60 ft) to 6 m (20 ft). The property is located in a Agricultural (A) zone.</p> <p>9. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on July 26th, 2010 as well as posted on the property.</p> <p>10. Application for Minor Variance</p> <p>11. Township Planner – Linda Redmond will review the County comments (attached).</p> <p>12. Correspondence/Comments received:</p> <p style="padding-left: 40px;">- None</p> <p>13. Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p>Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p>Those wishing to be notified of decision please leave name and address with secretary-treasurer.</p> <p>Committee:</p> <p style="padding-left: 40px;">- Comments and questions</p> <p>14. Adjournment.</p>	<p>15</p> <p>16</p> <p>22</p>

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

JUNE 28, 2010 – A5/10

The Committee of Adjustment met on Monday, June 28, 2010 at the Kenilworth Municipal Office, at 7:15 p.m.

**Members Present: Chairman: Mike Broomhead
Ross Chaulk
Bob Mason
John Matusinec
Dan Yake**

**Also Present: Alt. Secretary-Treasurer, Lorraine Heinbuch
Executive Assistant, Cathy Conrad
Township Planner, Mark Van Patter**

1. The Chairman called the meeting to order.

2. **Disclosure of Pecuniary Interest and General Nature Thereof**

None reported.

3. **Minutes**

**Moved by: Councillor Mason
Seconded by: Councillor Chaulk**

THAT the Committee of Adjustment meeting minutes of June 14, 2010 – A4/10 be adopted as presented.

Resolution No. 1

Carried

A public meeting was held to consider the Minor Variance Application A5/10 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

JUNE 28, 2010 – A5/10

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APPLICATION A5/10

Applicant: Wayne Edward O'Neill and Darlene Alice Craig

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 35 & 36, Clarke's Survey, with a civic address of 229 Tucker Street, Arthur. The property is occupied by one half of a semi-detached dwelling.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required lot frontage and interior side yard setback. The subject lands received provisional approval in May 2010 to sever the parcel in half creating a vacant residential parcel. This application is required as a condition of Consent Application B69/10.

4. Secretary Treasurer – notice was mailed to surrounding property owners and required agencies on May 4th, 2010 as well as posted on the property.
5. Township Planner – Linda Redmond reviewed the County comments dated June 23, 2010.

Ms. Redmond reviewed her comments regarding this application. A minor variance is required as a condition of the severance application. The minor variance would provide relief from the minimum lot frontage for the existing dwelling and the proposed lot. The variance requested for Parcel B is a minimum frontage of 9m (30 ft), whereas the by-law requires 15m (49.2 ft). The variance requested for Parcel C is a minimum frontage of 13.7m (45 ft), whereas the by-law requires 15m (49.2 ft). Relief for side yard setbacks is not needed. It had been included to give consideration to a possible deck. A deck is no longer included in the applicant's plans.

6. Correspondence/Comments received:
 - Liz Yerex, Grand River Conservation Authority
- no objection
 - Ethel McEwen
- objections

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

JUNE 28, 2010 – A5/10

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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 questions regarding the application.

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

Stan Winegard, son-in-law of Mrs. McEwen - registered owner of 221 Tucker Street, reviewed correspondence provided by Mrs. McEwen outlining her objections. She did not object to the severance but she does object to the minor variance. Her concerns included the frontage and side yard reductions, effects of the value and enjoyment of her property and encroachment on a Bell Telephone easement along the southerly limit of the applicant's property.

Mr. O'Neill commented that he is not asking for out of the ordinary reductions. Many people are happy to see development that will clean up the lot and remove the old run down house. This will be a rectangular lot. He is measuring from the existing semi to get the 12 foot side yard.

Leanne Bell, 231 Tucker Street, adjoining property owner, questioned if the inactive right-of-way across her property would be removed if someone buys the applicant's property.

Ms. Redmond explained that the right-of-way only crosses the Bell property so it is probably only for access to the proposed developing property. She suggested this would have to be dealt with by a lawyer.

Mrs. McEwen asked if the right-of-way could be used as an access to the applicant's property.

Ms. Redmond explained that the right-of-way is inactive so it is not for vehicle use. The right-of-way does not meet the requirement of 12 feet for parking.

Mr. O'Neill stated that parking on the property is a concern and a possible purchaser would want access to the back yard. With the reduced setbacks to the building access should remain adequate.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

JUNE 28, 2010 – A5/10

Page Four

Mrs. McEwen suggested that the owner build a drive through garage. She has a drive through garage for access to her back yard and she can get 4 cars in her driveway.

Mr. O'Neill stated that there is no garage on the semi on the property. Ms. Redmond had suggested to him that 12 feet is needed for access to the back. The side of the semi is the issue, not the house to be built on the new lot. A local builder is interested in the property and is considering a small bungalow, possibly with a garage.

Ms. Redmond commented that the applicant could take this back to the Land Division Committee to amend the property line but may still need a variance depending on the type of house to be built.

Nadine McEwen, daughter of Mrs. McEwen, questioned if a variance could be asked for on the size of the house. Ms. Redmond indicated that was possible.

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

Committee - Comments and Questions

Councillor Chaulk felt that if issues could be addressed by taking this back to the Land Division Committee then it should be taken back to the Committee.

Councillor Yake agreed that it would be best to take it back to the Land Division Committee and try to have issues resolved. He suggested discussion between Mrs. McEwen and Mr. O'Neill would be beneficial.

Councillor Matusinec agreed that taking it back to the Land Division Committee would be best as long as there is no additional cost to Mr. O'Neill. It would be best if an amicable solution could be reached.

Committee of Adjustment asked Gary Williamson, Manager of Public Works, for information on the right-of-way. Mr. Williamson commented that there is no apparent use for the right-of-way. He suggested that a lawyer be requested to find out what is registered on title. Mr. O'Neill and the Bell's should discuss if they want the right-of-way closed and contact a lawyer to determine the current status.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

JUNE 28, 2010 – A5/10

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Mayor Broomhead recommended that Mr. O'Neill, Mrs. McEwen and Ms. Bell discuss options for development of this property with Ms. Redmond to try and address the concerns raised. He suggested the Committee defer the application rather than grant approval and then have it appealed. He further suggested that Mr. O'Neill and the Bell's may need to seek legal advice regarding right-of-way.

Moved by: Councillor Matusinec

Seconded by: Councillor Yake

That the minor variance applied for in Application A5/10 be deferred, pending review and possible reconsideration by Land Division with respect to property division of the 2 lots and frontages.

Resolution No. 2

Carried

8. Adjournment

Moved by: Councillor Mason

Seconded by: Councillor Chaulk

That the Committee of Adjustment meeting of June 28, 2010 be adjourned.

Resolution No. 3

Carried

Alt. Secretary Treasurer

Chairman



JUN 30 2010



TOWNSHIP OF WELLINGTON NORTH WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: 30-Jun-10

File Number: A 6110

Roll # 23 49 000 004 17300 0000

Date Application Filed:

Application Fee Received: \$ 500.00

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): JAMES ANDREW & BONNIE LORRAINE HAMILTON
Address: 130 ELGIN ST. N. Box 986 Mt Forest
Phone: Home (519) 323 3049 Work (519) 323-1231 Fax 519-400-0156
Email:

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 [x] units

Municipal Address: 130 ELGIN ST N MOUNT FOREST

Concession: Lot: Registered Plan No.:

Area: Depth: 94. FT Frontage (Width): 46.53 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 [x] 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: _____

Zoning: MULTI USE COMMERCIAL

B. EXISTING 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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?

ELGIN ST.

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)

I WISH TO REPLACE EXISTING GARAGE WITH A LARGER STRUCTURE

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

(Please specifically indicate on sketch)

I WOULD WANT TO PLACE ON FOOTPRINT OF OLD GARAGE BUT MAKE LARGER

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

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

a) THE SUBJECT PROPERTY? RESIDENTIAL

b) THE ABUTTING PROPERTIES? RESIDENTIAL

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

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Type of Building(s)	_____	_____	b) Main Building Height	_____	_____
c) % Lot Coverage	_____	_____	d) # of Parking Spaces	_____	_____
e) # of Loading Space(s)	_____	_____	f) Number of Floors	_____	_____
g) Total Floor Area (exclude basement)	_____	_____	h) Ground Floor Area	_____	_____

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

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Front Yard	_____	_____	b) Side Yards	_____	_____
c) Rear Yard	_____	_____			

13.* DATE OF ACQUISITION OF SUBJECT PROPERTY: APRIL, 2009

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: NOT KNOWN

14. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY?
NOT KNOWN

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

F. OTHER RELATED PLANNING APPLICATIONS

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

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

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

File No. of Application: _____

Purpose of Application: _____

Status of Application: _____

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

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

I (we) _____ 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) Jim, Bonnie Hamilton of the Township of Well. Nath of County 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 Nath in the County of

Wellington this 30 day of June, 2010.

Jim Hamilton Bonnie Hamilton
Signature of Owner or Authorized Solicitor or Authorized Agent

June 30/10
Date

Larry Moore
Signature of Commissioner

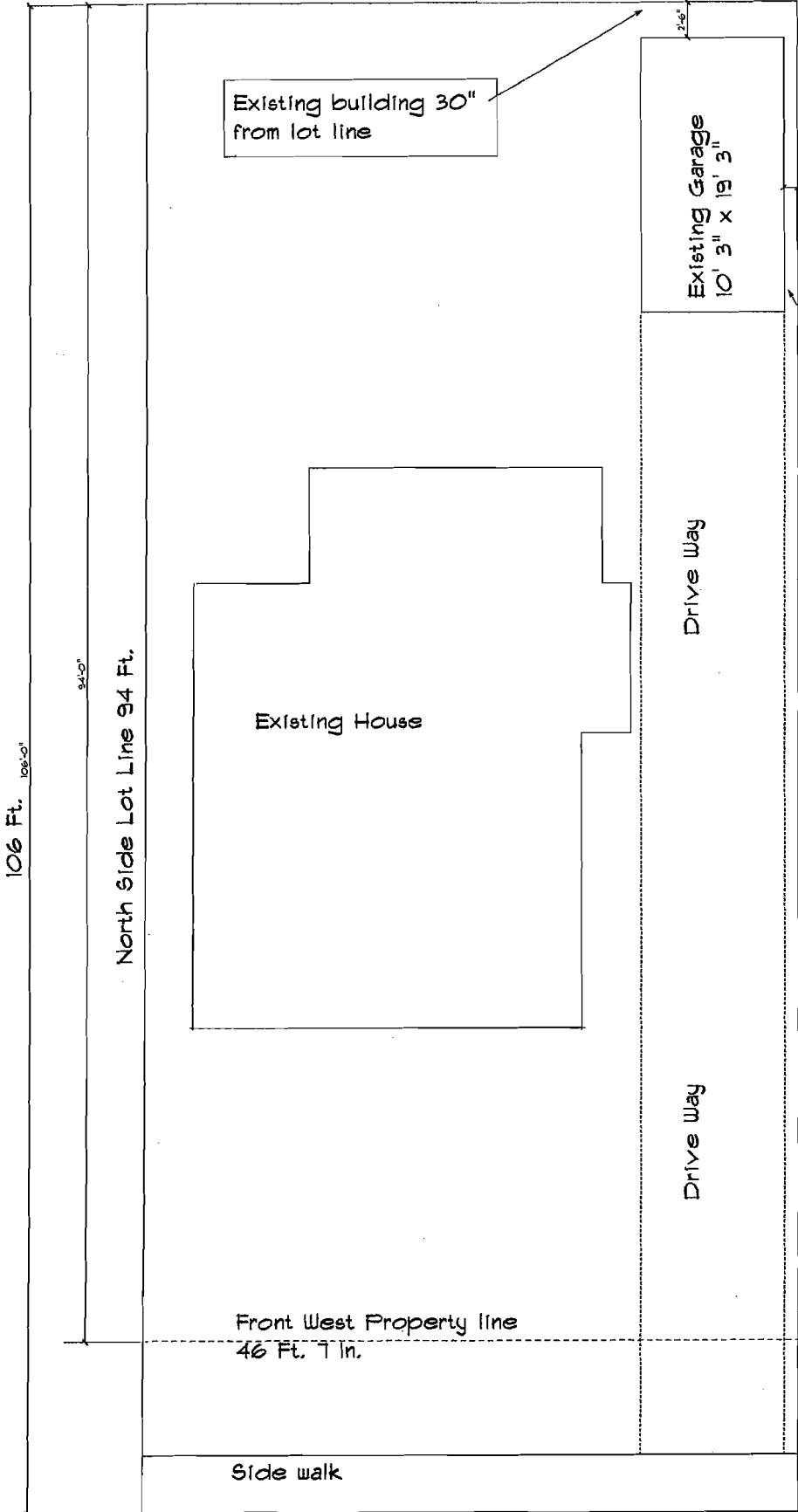
June 30/10
Date

APPLICATION AND FEE OF \$500.00 RECEIVED BY THE MUNICIPALITY:

Larry Moore
Signature of Municipal Employee

June 30/10
Date

East Lot Line 46 Ft. 7 In.



Existing building 30" from lot line

Existing Garage
10' 3" x 19' 3"

Existing building 12" from lot line

North Side Lot Line 94 Ft.

South Side Lot Line 94 Ft.

Existing House

Drive way

Drive way

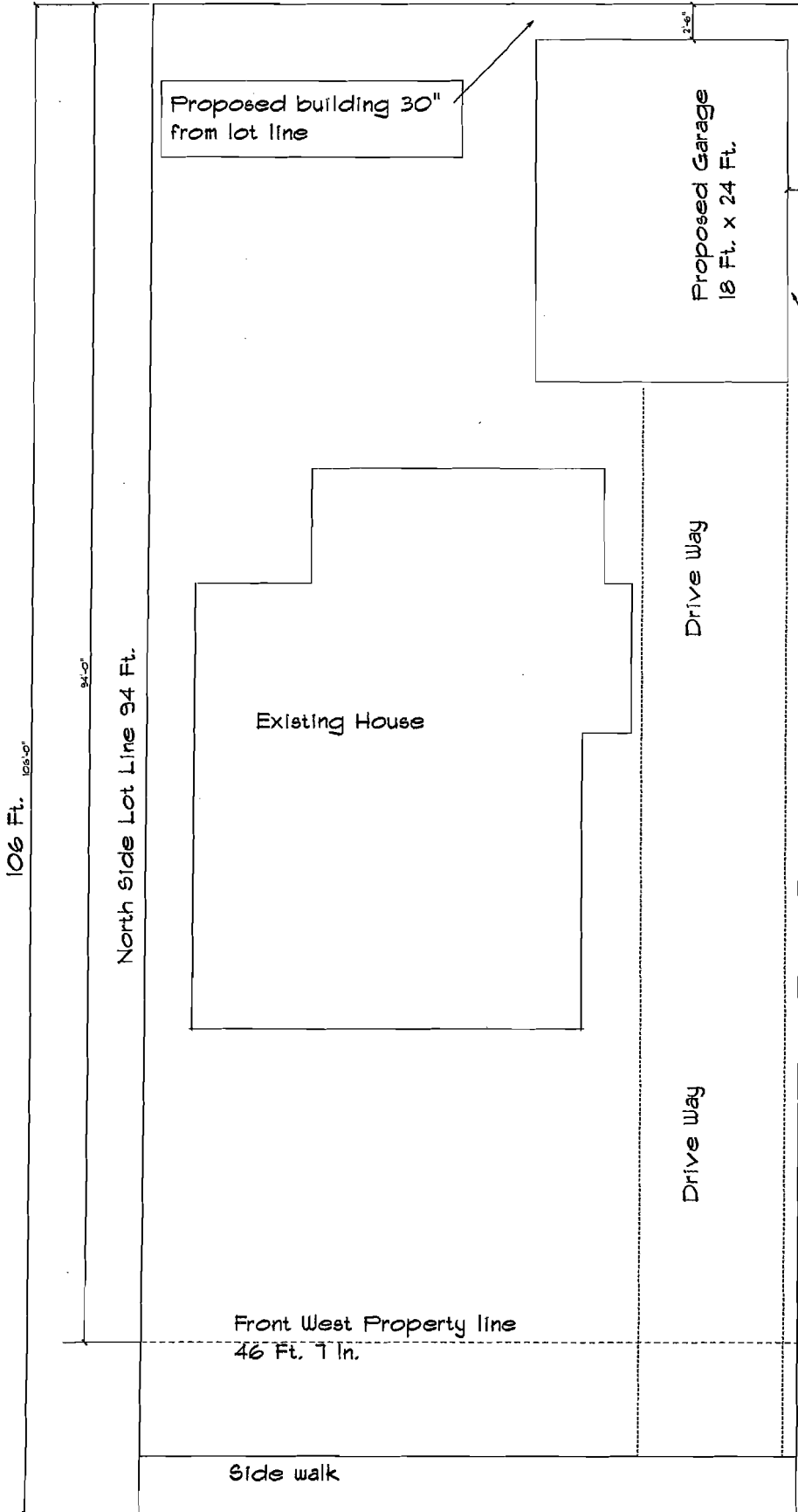
Front West Property line
46 Ft. 7 In.

Side walk

Existing
Build Site

Jim and Bonnie Hamilton
130 Elgin Street North
Mount Forest Ontario

East Lot Line 46 Ft. 7 In.



Proposed building 30" from lot line

Proposed Garage 18 Ft. x 24 Ft.

Proposed building 12" from lot line

North Side Lot Line 94 Ft.

South Side Lot Line 94 Ft.

Drive way

Drive way

Existing House

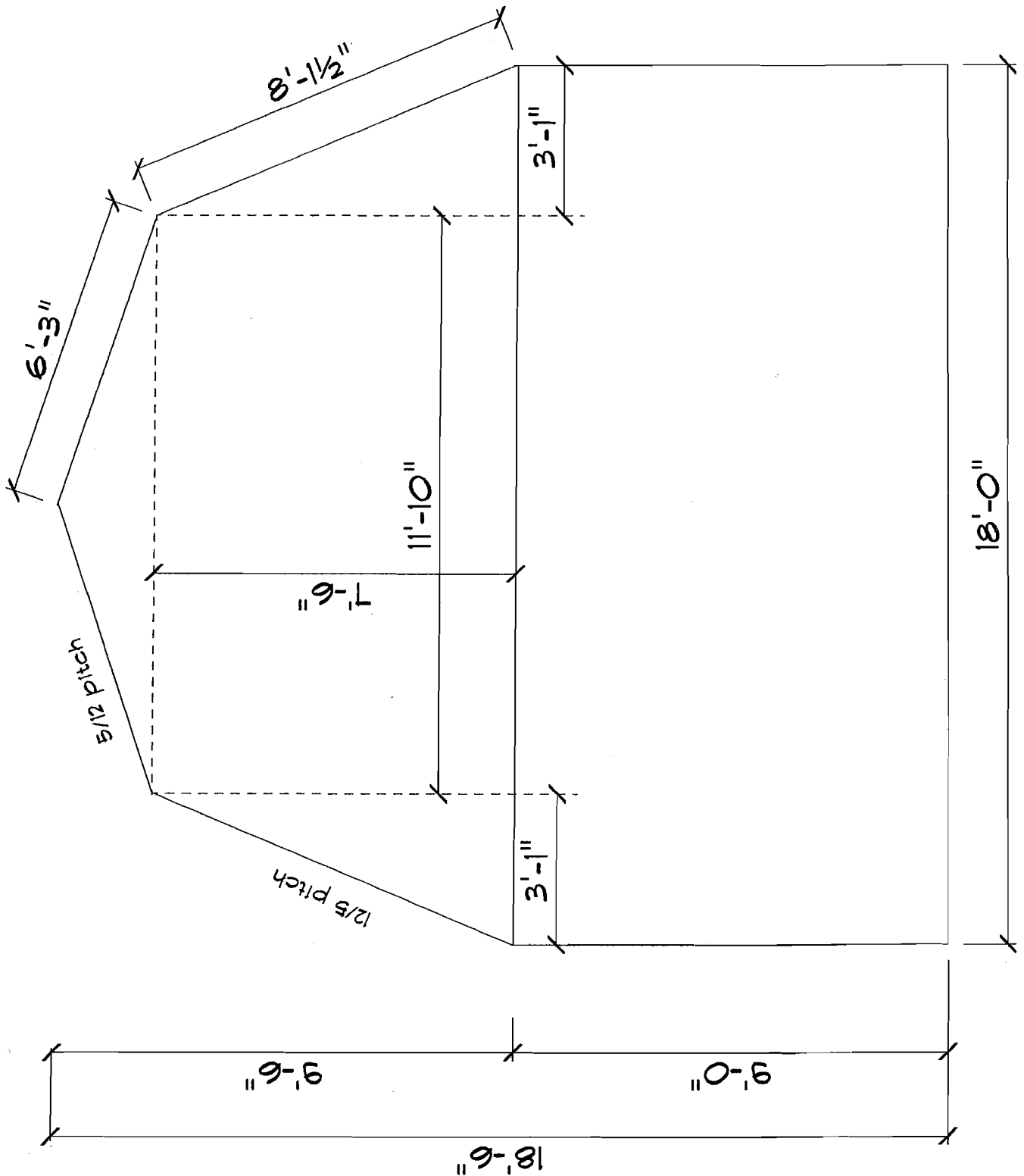
Front West Property line 46 Ft. 7 In.

Side walk

Proposed Build Site

*Jim and Bonnie Hamilton
130 Elgin Street North
Mount Forest Ontario*

Jim and Bonnie Hamilton
130 Elgin Street North
Mount Forest





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 21, 2010

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 A6/10**
130 Elgin Street North, Community of Mount Forest
Hamilton

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

Planning Opinion: The applicant is proposing to replace the existing detached garage on the subject lands with a new 18 ft x 24 ft detached garage. The application would provide relief from the maximum height and minimum rear and side yard setbacks requirements for the detached garage.

We have no concerns with this application. While the new garage is bigger, it won't be any closer than the existing garage to the side or rear lot lines. The relief requested is minor in nature. 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.

Wellington County Official Plan: The subject property is designated RESIDENTIAL TRANSITION AREA, in the Arthur Urban Centre. 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 Mixed Use (MU1). The proposal exceeds the general provisions stipulated in sections 6.1.2 b) and 6.1.3 of the by-law regulating building height and minimum setbacks for accessory structures. The following relief is requested:

1. Increase the maximum height permitted for the garage from 4.5 m (14.8 ft) to 5.05 m (16.6 ft).
2. Decrease the minimum rear and side yard setbacks from 1.m.(3.3 ft) to 0.3 m (1 ft). I trust

I trust that these comments will be of assistance to the Committee.

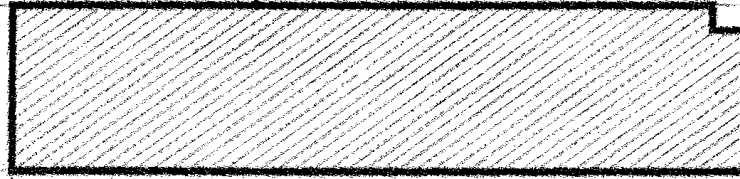
Yours truly,

Charlie Toman, B.E.S.
Planner

SUBJECT
PROPERTY

SIDEROAD 5

CONCESSION 9





TOWNSHIP OF WELLINGTON NORTH
APPLICATION FOR A MINOR VARIANCE

Date Received: July 14, 2010

File Number: A 7 110

Roll # 23-49-000-010-11000-0000

Date Application Filed: _____

Application Fee Received: \$ 300

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): ROSS W. FERGUSON

Address: 27365 CON 10 SCHOMBERG Rof 31 LDG ITO

Phone: Home (805) 939 5418 Work (416) 209-9178 Fax _____

Email: _____

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

b)* Applicant (Agent) Name(s): Paul M Weber

Address: 9110 Conc. 9 R.R.#5 Mt. Forest ON

Phone: Home (519) 323-0446 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: 9130 Conc. 9 R.R.#5 Mt Forest Wellington North

Concession: 9 Lot: 14 Registered Plan No.: _____

Area: 99ac Depth: 4389' Frontage (Width): 1000' 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: _____

Zoning: _____

B. EXSTING AND PROPOSED SERVICES

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

	Municipal Water	Private or Communal Water	Private Well	Other Water Supply	Municipal Sewers	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing *	[]	[]	[]	[]	[]	[]	[]	[]
b) Proposed	[]	[]	[]	[]	[]	[]	[]	[]

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

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

Concession 9

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)

refer to sketch

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

not sufficient room from existing buildings

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

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

a) THE SUBJECT PROPERTY? farming

b) THE ABUTTING PROPERTIES? farms including one 1-acre residential lot with house

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>Farm</u>		b) Main Building Height		
c) % Lot Coverage			d) # of Parking Spaces		
e) # of Loading Space(s)			f) Number of Floors		
g) Total Floor Area (exclude basement)			h) Ground Floor Area		

12.* WHAT IS THE LOCATION OF ALL BUILDINGS EXISTING AND PROPOSED FOR THE SUBJECT PROPERTY (Specify distances from front, rear and side lot lines)

Measurements are in: Metric [] Imperial [] units

	<u>Existing</u>	<u>Proposed</u>		<u>Existing</u>	<u>Proposed</u>
a) Front Yard			b) Side Yards	<u>90'</u>	<u>20'</u>
c) Rear Yard					

13.* DATE OF ACQUISITION OF SUBJECT PROPERTY: 2002

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: approx. 1990

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

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 [X]

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 [<u>X</u>]
Zoning By-law Amendment	Yes []	No [<u>X</u>]
Plan of Subdivision	Yes []	No [<u>X</u>]
Consent [Severance]	Yes []	No [<u>X</u>]

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) Ross W Ferguson of the town of Schomberg,

York County/Region of do hereby authorize Paul Weber to act as my agent in this application.

Ross Ferguson
Signature of Owner(s)

July 13/10
Date

H.* AFFIDAVIT: (This affidavit must be signed in the presence of a Commissioner)

I (we) Paul M. Weber of the Township County of Wellington of Wellington North

County 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 14 day of July, 2010.

Paul M. Weber
Signature of Owner or Authorized Solicitor or Authorized Agent

July 14 2010
Date

L. Heinebuch
Signature of Commissioner

July 14, 2010
Date

**LORRAINE HEINBUCH, CLERK
OF THE CORPORATION OF THE TOWNSHIP
OF WELLINGTON NORTH**

APPLICANT'S SIGNATURE FOR OATH AFFIDAVIT, VERIFIED BY THE MUNICIPALITY:

Lorraine Heinebuch
Signature of Municipal Employee

July 14, 2010
Date

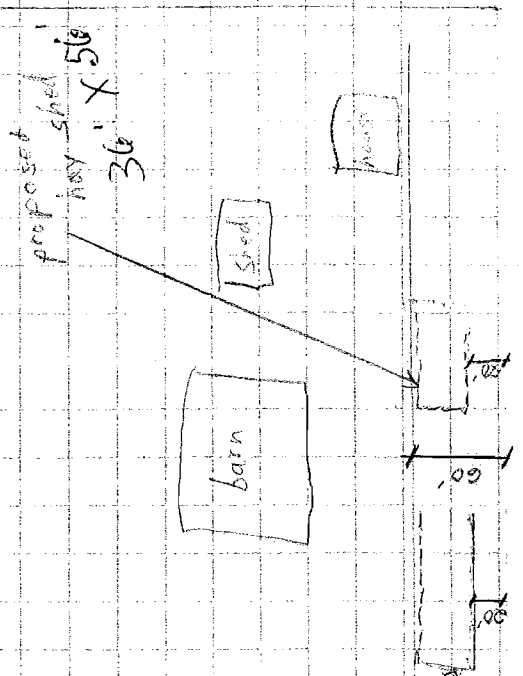
property line

120' x 100'

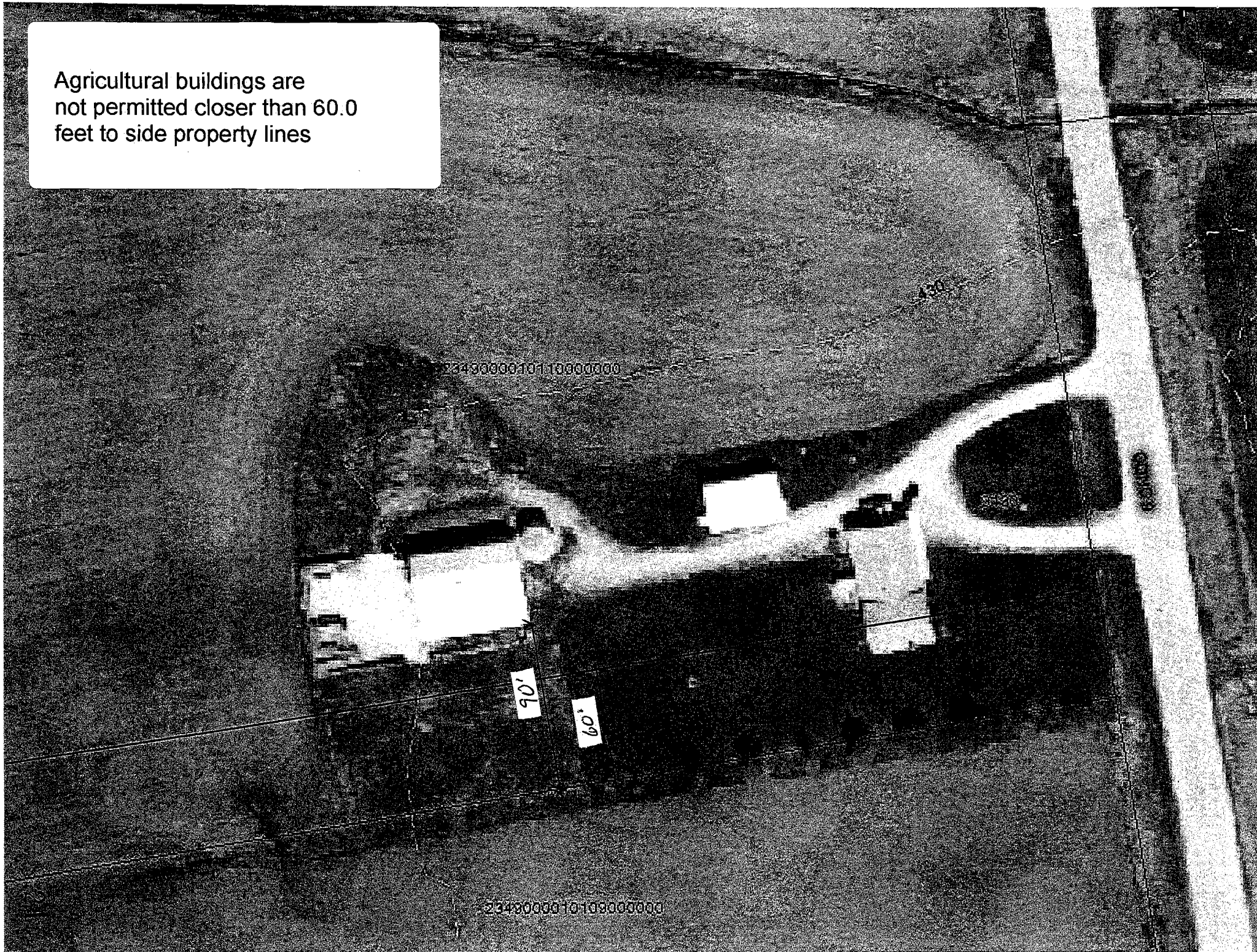
Minor Variance

To change the 60 foot requirement to 30 feet for agricultural buildings from property line

proposed pit silo 40' x 100'



Agricultural buildings are
not permitted closer than 60.0
feet to side property lines





COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
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ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

July 21, 2010

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 A7/10
9110 Concession 9, Former Township of Arthur
Ferguson

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

Planning Opinion: The applicant is proposing to construct a new pit silo and hay shed on the subject lands. The application would provide relief from the minimum interior side yard setback requirements for accessory agricultural buildings.

We have no concerns with this application. The existing farm buildings and dwelling are located along the southern lot line and aerial photography indicates the lands to the north are being actively farmed. The property is within a Prime Agricultural Area and allowing the proposed buildings to be located within the setback would not require the applicant to take additional agricultural lands out of production in order to create a suitable building envelop. The farm operation to the south of the subject property is located well away from the proposed buildings. The relief requested is minor in nature. 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.

Wellington County Official Plan: The subject property is designated PRIME AGRICULTURAL in the County of Wellington Official Plan. Section 6.4.2 - Agriculture First of the Official Plan states "In Prime Agricultural Areas, agricultural uses and normal farm practices will be promoted and protected. As a general rule, land use activities which support agriculture will be encouraged and land use activities which do not support agriculture will be discouraged." Allowing the proposed buildings to be located within the setback would not necessitate the need to take additional Prime Agricultural Lands that are being actively farmed out of production.

Wellington North Zoning By-law: The subject lands are zoned Agriculture (A). The proposal exceeds the minimum interior side yard setback stipulated for accessory agricultural buildings in Section 8.2.4 d) in the Wellington North Zoning By-law. Relief is requested to reduce the minimum interior side yard setback from 18.2 m (60 ft) to 6m (20 ft), a reduction of 12.2 m (40 ft).

I trust that these comments will be of assistance to the Committee.

Yours truly,

[Handwritten signature]

Charlie Toman, B.E.S.
Planner