



Township of Wellington North

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

COMMITTEE OF ADJUSTMENT

Monday, August 29th, 2011 – 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

Page 1 of 2

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, A3/11 (attached)	01
<p><u>APPLICATION A4/11</u></p>	
<p>Applicant: Arlene Pronk</p>	
<p>THE LOCATION OF THE SUBJECT PROPERTY is described as Lot 8, Concession 2 with a civic address of 8355 Line 2, West Luther. The property is approximately 42 ha (104 ac.) in size. The location of the property is shown on the map attached.</p>	05
<p>THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required interior side yard setback for an existing farm building. This rezoning is a condition of severance application B50/11, that was granted provisional approval by the Wellington County Land Division Committee in May 2011. The consent will split an 82.1 ha (203 ac) farm in a Prime Agricultural Area into two agricultural lots. The property is currently zoned Agricultural. Other variances may be considered where deemed appropriate.</p>	
<ol style="list-style-type: none">4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on August 18th, 2011 as well as posted on the property.5. Application for a Minor Variance	06

Committee of Adjustment Agenda
August 29th, 2011 – 7:00 p.m.

AGENDA ITEM	PAGE NO.
6. Township Planner – Linda Redmond will review the County comments (attached).	13
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	
9. Adjournment.	

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A3/11

The Committee of Adjustment met on Monday, July 25, 2011 at the Kenilworth Municipal Office, at 7:30 p.m.

**Members Present: Chairman: Mark Goetz
Sherry Burke
Andy Lennox
Dan Yake**

Absent: Raymond Tout

**Also Present: Alternate Secretary-Treasurer, Lorraine Heinbuch
Executive Assistant, Cathy Conrad
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 Burke
Seconded by: Councillor Lennox**

THAT the Committee of Adjustment meeting minutes of June 20, 2011 – A2/11 be adopted as presented.

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Applications A3/11 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

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.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A3/11

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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 the 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.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A3/11

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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.

Carried

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

Moved by: Councillor Lennox
Seconded by: Councillor Yake

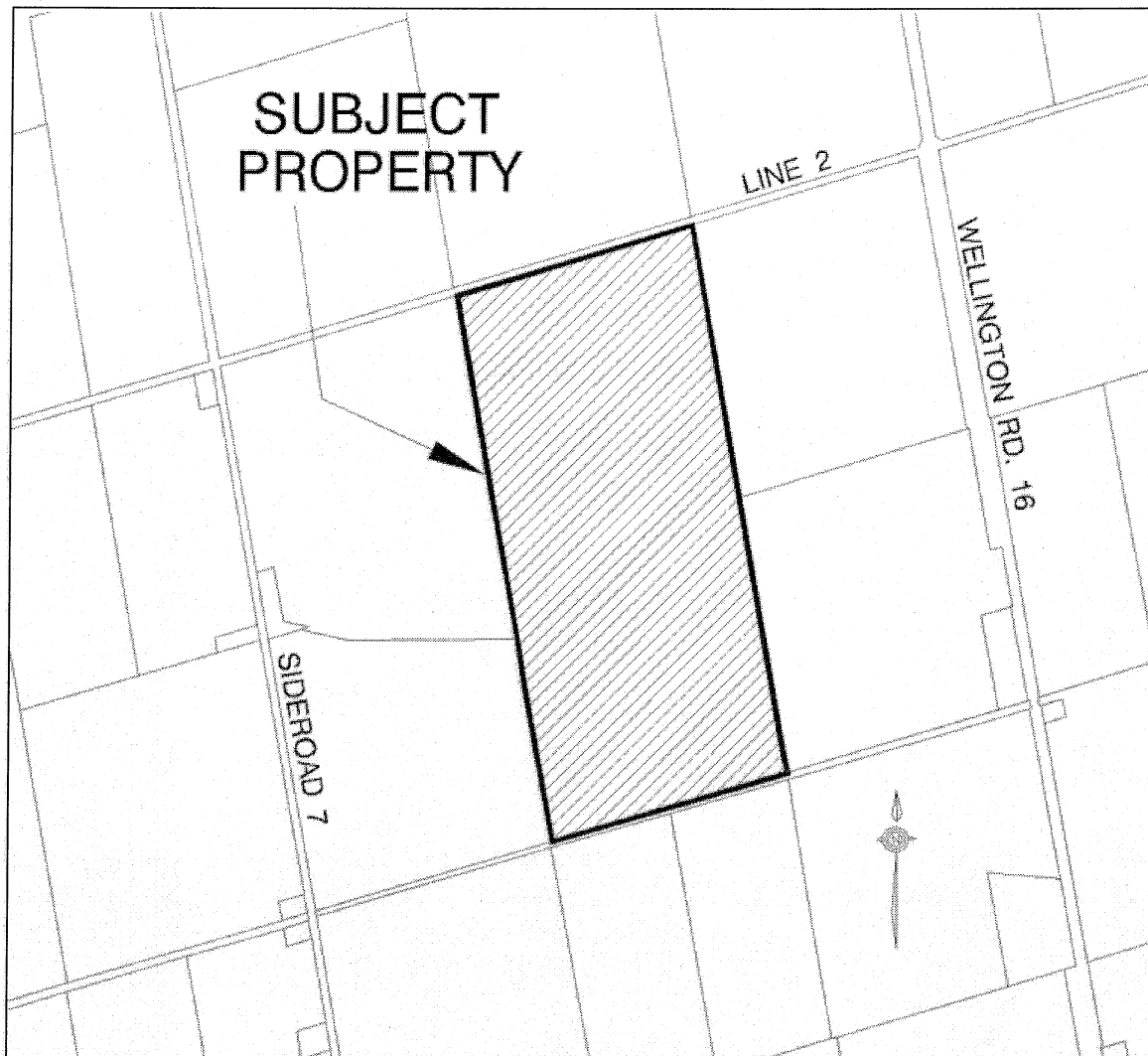
That the Committee of Adjustment meeting of July 25, 2011 be adjourned.

Resolution No. 3

Carried

Secretary Treasurer

Chairman



RECEIVED

JUL 15 2011

TWP. OF WELLINGTON NORTH

Grant & Acheson

Barristers • Solicitors • Notaries Public

Robert D. Grant Professional Corporation
bob@grant-acheson.com

Vincent J. Starratt Professional Corporation
vince@grant-acheson.com

Tel: 519.843.1960

Cavan B. Acheson
Retired

Sarah M. Jacobs
sarah@grant-acheson.com

Fax: 519.843.6888

July 13, 2011

Township of Wellington North
Box 125
7490 Sideroad 7 West
Kenilworth, Ontario N0G 2E0

Attention: Darren Jones and Cathy More

Dear Darren and Cathy:

**Re Application B50/11 - Arlene Pronk
Lot 8, Concession 2, West Luther**

As you are aware we are solicitors for Arlene Pronk with respect to the above-captioned severance application. In order to comply with Condition 6, we are pleased to enclose the following:

1. Application for Minor Variance,
2. Sketch prepared by Derek G. Graham Limited,
3. Trust cheque in the amount of \$750.00 representing the application fee.

We trust you find the enclosed to be in order and would ask that you kindly advise us as to the date this matter will be heard. Thank you.

Yours truly,

Grant & Acheson

Per:



Vincent J. Starratt
VJS:bs
Enc.



TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: July 15, 2011

File Number: A 411

Roll # 23-49-000-014-05000-0000

Date Application Filed: _____

Application Fee Received: \$ 750.00

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): ARLENE PRONK

Address: 7818 Wellington Road 12, Arthur,

Phone: Home (519) 848-2176 Work () Fax _____

Email: _____

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

b)* Applicant (Agent) Name(s): Vincent J. Starratt (Grant & Acheson)

Address: Box 128, 265 Bridge St., Fergus, ON N1M 2W7

Phone: Home () Work (519) 843-1960 Fax (519) 843-6888

Email: vince@grant-acheson.com

c)* Name, Address, Phone No. of all persons having any mortgage charge or encumbrance on the property:
Farm Credit Canada

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

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

Measurements are in: Metric [] Imperial [] units

Municipal Address: 8355 Line 2, West Luther, R.R. #2, Arthur On N0G1A0

Concession: 2 Lot: Pt. 8 Registered Plan No.: _____

Area: 104.7 Depth: 4467 Frontage (Width): 1107 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: Agricultural

Zoning: Agricultural

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*	[]	[]	[X]	[]	[]	[]	[X]	[]
b) Proposed	[]	[]	[]	[]	[]	[]	[]	[]

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

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

Line 2 West Luther

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)

relief from interior side yard set back for accessory building

(large metal clad shed)

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

(Please specifically indicate on sketch)

accessory building is only 12.8 feet from side yard

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

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

a) THE SUBJECT PROPERTY? agricultural

b) THE ABUTTING PROPERTIES? agricultural

see schedule attached

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) SEE SCHEDULE ATTACHED

Measurements are in: Metric [] Imperial [] units
see surveyor's sketch attached

	<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: December 2, 2010

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: _____
house 1910; small shed 1960; large shed 1995

14. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY?
since they were built - see #13 above

15.* HAS THE OWNER PREVIOUSLY APPLIED FOR RELIEF IN RESPECT OF THE SUBJECT PROPERTY
YES [] NO [X]
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 [X]
Zoning By-law Amendment	Yes []	No [X]
Plan of Subdivision	Yes []	No [X]
Consent [Severance]	Yes [X]	No []

17.* IF THE ANSWER TO QUESTION 15 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:
File No. of Application: B10/11
Purpose of Application: create 2 agricultural parcels
Status of Application: Provisional Consent G

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) ARLENE PRONK of the Township of Wellington North,

County/Region of Wellington do hereby authorize Vincent J. Starratt to act as my agent in this application

Arlene Pronk July 15 2011
Signature of Owner(s) Date

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

I (we) Arlene Pronk of the Township of WellingtonNorth,
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 Centre Wellington in the County of Wellington this _____ day of July, 2011.

Arlene Pronk
Signature of Owner or Authorized Solicitor or Authorized Agent

July 15 2011
Date

V. Starratt
Signature of Commissioner

July 15, 2011
Date

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

Darrell [Signature]
Signature of Municipal Employee

July 15, 2011
Date

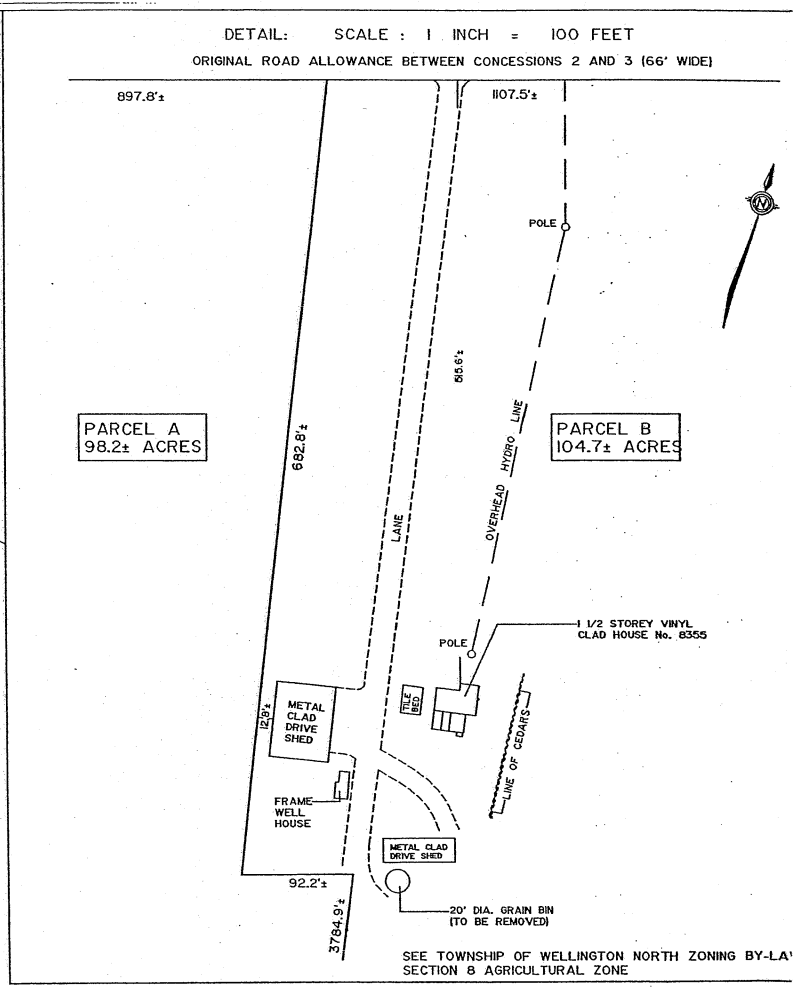
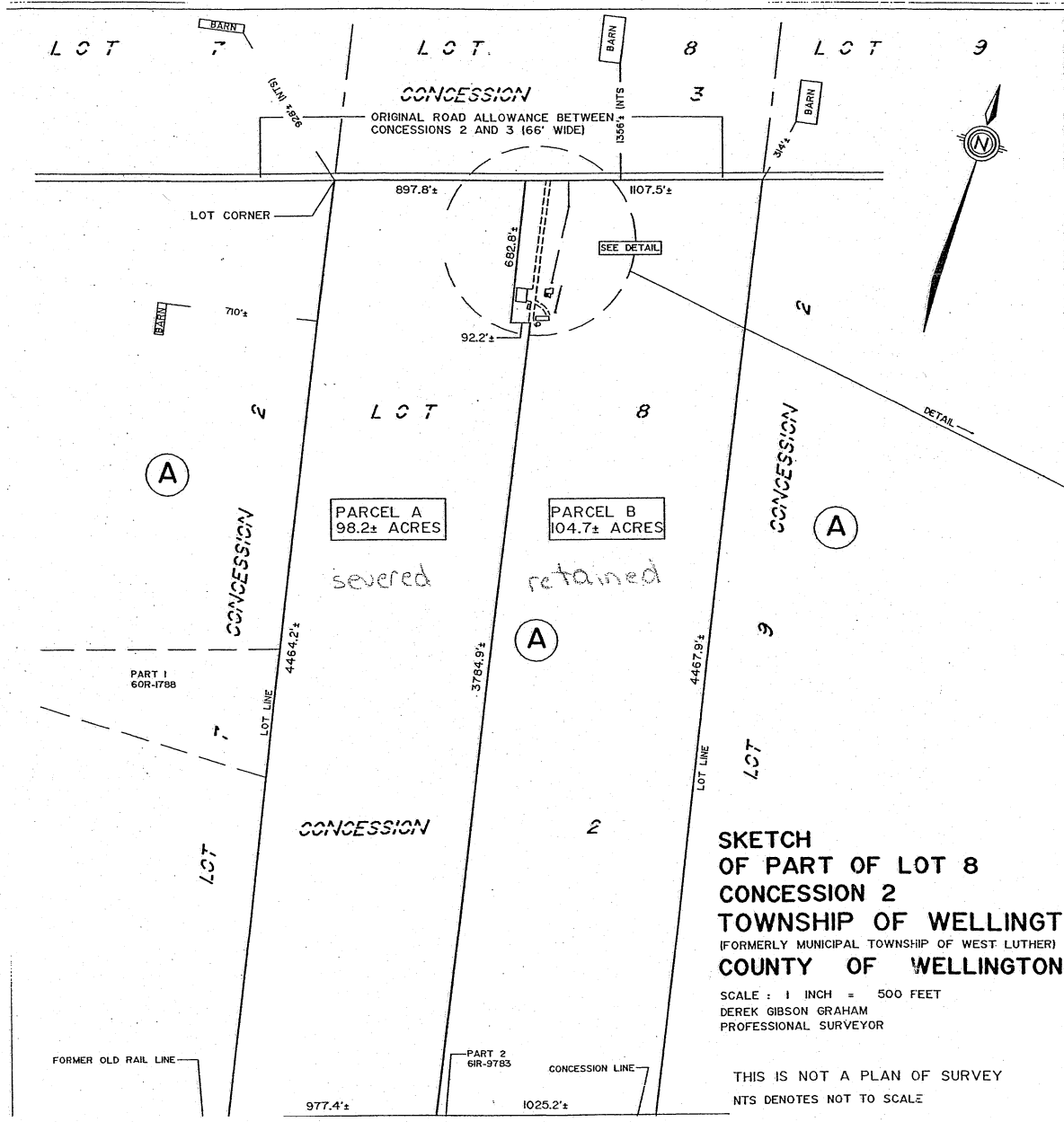
Schedule to Minor Variance Application

Question 11: Details of buildings

Type of Building	House
Main Building Height	20 feet
% Lot Coverage	
# of Parking Spaces	n/a
# of Loading Spaces	n/a
Number of Floors	1 1/2
Total Floor Area	1824 sq. ft.
Ground Floor Area	1008 sq. ft.

Type of Building	Large Metal Clad Drive Shed (subject of minor variance)
Main Building Height	20 feet
% Lot Coverage	
# of Parking Spaces	n/a
# of Loading Spaces	n/a
Number of Floors	1
Total Floor Area	3072 sq. ft.
Ground Floor Area	3072 q. ft.

Type of Building	Small Metal Clad Drive Shed (garage)
Main Building Height	16 feet
% Lot Coverage	
# of Parking Spaces	n/a
# of Loading Spaces	n/a
Number of Floors	1
Total Floor Area	1008 sq. ft.
Ground Floor Area	1008 sq. ft.



SKETCH OF PART OF LOT 8 CONCESSION 2 TOWNSHIP OF WELLINGTON NORTH
 (FORMERLY MUNICIPAL TOWNSHIP OF WEST LUTHER)
COUNTY OF WELLINGTON

SCALE : 1 INCH = 500 FEET
 DEREK GIBSON GRAHAM
 PROFESSIONAL SURVEYOR

THIS IS NOT A PLAN OF SURVEY
 NTS DENOTES NOT TO SCALE

ALL DIMENSIONS SUBJECT TO FINAL FIELD SURVEY
 ALL DIMENSIONS APPROXIMATE AND DERIVED FROM FIELD MEASUREMENTS AND FROM COUNTY OF WELLINGTON ON LINE GIS MAPPING (2005 PHOTOGRAPHY)

Derek G. Graham Limited
 Professional Land Surveying
 Land Use Planning
 OFFICE:
 7669 Colborne Street East
 R.R. 1, Fergus, Ontario
 N1M 2W5

MAILING ADDRESS:
 P.O. Box 295
 Elora, Ontario
 N0B 1S0

PER: Ontario Land Surveyor
ACAD DATE: JANUARY 20, 2018
FILE: 6 - 2 WEST LUTHER



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

August 18, 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 A4/11**
Lot 8, Concession 2
8355 Line 2
Pronk

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

Planning Opinion: The application would provide relief from the minimum side yard setback for an existing farm building. The variance is required as a result of the subject lands being severed.

We have no concerns with this application. 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. 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 Agricultural (A). The property was recently severed to create a vacant farm parcel. The severance has created a deficiency in the interior side yard for an existing farm building and the proposed vacant parcel and the following relief is requested:

1. A 3.9m (12.8 ft) interior side yard setback to a drive shed, whereas the by-law requires 18.3 m (60 ft) under section 8.2.4 d).

This variance is a condition of severance application B50/11, that was granted provisional approval by the Wellington County Land Division Committee in May 2011. The consent will split an 82.1 ha (203 ac) farm in a Prime Agricultural Area into two agricultural lots.

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

Yours truly,

Linda Redmond, B.A.
Planner