



# Township of Wellington North

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

## Committee of Adjustment

Monday, September 9th, 2013 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

## AGENDA

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AGENDA ITEM	PAGE NO.
<p><b>Chairman</b></p> <ol style="list-style-type: none"><li>1. Officially open the public meeting.</li><li>2. Declaration of Pecuniary Interest and General Nature Thereof.</li><li>3. Minutes, A1/13 and A4/13 (attached)</li></ol>	1
<p><b><u>APPLICATION A5/13</u></b></p>	
<p><b>Owners/Applicant: Dwight Rundle</b></p>	
<p><b>THE LOCATION OF THE SUBJECT PROPERTY</b> is described as Part Park Lot 2, with a civic address of 455 Wellington Street E. (Mount Forest). The lands subject to the variance is approximately 0.4 ha (1 acre) in size and shown on the location map attached.</p> <p><b>THE PURPOSE AND EFFECT OF THE APPLICATION</b> is to provide relief from the maximum permitted lot coverage for accessory structures. The variance is a condition of severance application B41/13, that was granted provisional approval by the County Land Division Committee in June 2013. Other variances may be considered where deemed appropriate.</p>	
<ol style="list-style-type: none"><li>4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on August 23rd, 2013 as well as posted on the property.</li></ol>	
<ol style="list-style-type: none"><li>5. Application for a Minor Variance</li></ol>	8
<ol style="list-style-type: none"><li>6. Township Planner – Linda Redmond will review the County comments (attached).</li></ol>	13

AGENDA ITEM	PAGE NO.
<p>7. Correspondence/Comments received:</p> <ul style="list-style-type: none"><li>- None</li></ul> <p>8. 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> <ul style="list-style-type: none"><li>- Comments and questions</li></ul> <p>9. Adjournment</p>	



TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A1/13 and A4/13

Page Two

APPLICATION A1/13

**Owners/Applicant: 1576881 Ontario Ltd. and 1271084 Ontario Ltd.**

**THE LOCATION OF THE SUBJECT PROPERTY** is described as lot 71, Parts 2, 3 and 4, Plan 60R-2492, with civic addresses of 207 Frederick Street (Parcel A) and 277 Francis Street (Parcel B). Both Parcels A and B have respective variances which apply to them; and both parcels are approximately 0.2 ha (0.39ac) in size.

**THE PURPOSE AND EFFECT OF THE APPLICATION** is to provide relief from section 13.2.3.6 of the Wellington North Zoning By-law regulating the minimum rear yard setback. The property received provisional consent from the County Land Division Committee to split an existing parcel in two, resulting in two lots subject to conditions. Variances to allow for reduced rear yard setbacks of 2.9m (Parcel A) and 2.8m (Parcel B) is required in order to facilitate this condition.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on May 23, 2013 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed her comments dated May 21, 2013.

The variances requested would provide relief from sections 13.2.3.6 of the Zoning By-law to allow a reduced rear yard setback.

The Planner had no concerns with the relief requested at this time. This variance will satisfy a condition of provisional approval for consent application B149/12. This 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.

Under the Wellington County Official Plan the subject property is designated Residential in the Urban centre of Arthur. 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

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A1/13 and A4/13

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Under the Wellington North Zoning By-law the subject lands are zoned High Density Residential (R3). The property received provisional approval from the County Land Division Committee to split an existing parcel in two, resulting in two lots with areas of a 1,607sq.m (parcel A) and 1,618 sq.m (parcel B) each with an existing 6 unit 3 storey building, lots subject to conditions. As such, the following relief is required:

1. To allow a reduced rear yard setback 2.8 m (Parcel A), whereas 7.6m is required, and;
2. To allow a reduced rear yard setback of 2.9 m (Parcel B), whereas 7.6 m is required.

6. Correspondence/Comments received:

- Nathan Garland, Resource Planner, GRCA
- No objection

7. Questions/Comments

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

Jeff Buisman, agent for the applicant, was present to answer any questions regarding the application.

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

None

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

Committee – Comments and Questions

None

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A1/13 and A4/13

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Moved by: Councillor Lennox

Seconded by: Councillor Yake

*THAT the minor variance applied for in Application A1/13 be authorized.*

Resolution No.

Carried

APPLICATION A4/13

**Applicant: Edward Earl Watt**

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Part 1, Plan 61R-7408, with a civic address of 250 Francis Street East. The lands subject to the variance is approximately 0.5 ha (1.28 ac.) in size and is currently vacant.

**THE PURPOSE AND EFFECT OF THE APPLICATION** is to provide relief from section 11.2.3 of the Wellington North Zoning By-law regulating the minimum front yard setback. The property received provisional approval from the County Land Division Committee to create five residential lots subject to conditions. The Conservation Authority is requiring as a condition, that the building envelopes be located at the top of bank of the Conestoga River floodplain. A variance to allow a reduced front yard setback of 4.5m is required in order to facilitate this condition.

8. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on May 23, 2013 as well as posted on the property.
9. Linda Redmond, Township Planner, reviewed her comments dated April 26, 2013.

The variances requested would provide relief from sections 11.2.3 of the Zoning By-law to allow a reduced front side yard setback.

The Planner had no concerns with the relief requested at this time. This variance will satisfy a condition of provisional approval for consent applications B131/12 to B135/12. This 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.

TOWNSHIP OF WELLINGTON NORTH

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A1/13 and A4/13

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Under the 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.

Under the Wellington North Zoning By-law the subject lands are zoned Holding single family Residential (R1C- H). The property received provisional approval from the County Land Division Committee to create five residential lots subject to conditions. The Conservation Authority is requiring as a condition, that the building envelopes be located at the top of bank of the Conestoga River floodplain. As such, the following relief is required:

1. To allow a reduced front yard setback of 4.5m, whereas 7.6m is required.

10. Correspondence/Comments received:

- Pasquale Costanzo, Engineering Technologist, County of Wellington Engineering Services
  - No objection

11. Questions/Comments

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

Brian Beatty, Planner with Black Shoemaker Robinson & Donaldson Limited, agent for the applicant, commented that he is in agreement with Township Planner's comments regarding the building envelope. He stated that he believed the application met the 4 tests for minor variance.

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

None

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A1/13 and A4/13

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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

None

Moved by: Councillor Lennox

Seconded by: Councillor Yake

*THAT the minor variance applied for in Application A4/13 be authorized.*

Resolution No. 3

Carried

12. Adjournment (7:11 p.m.)

Moved by: Councillor Yake

Seconded by: Councillor Lennox

*That the Committee of Adjustment meeting of June 17, 2013 be adjourned.*

Resolution No. 4

Carried

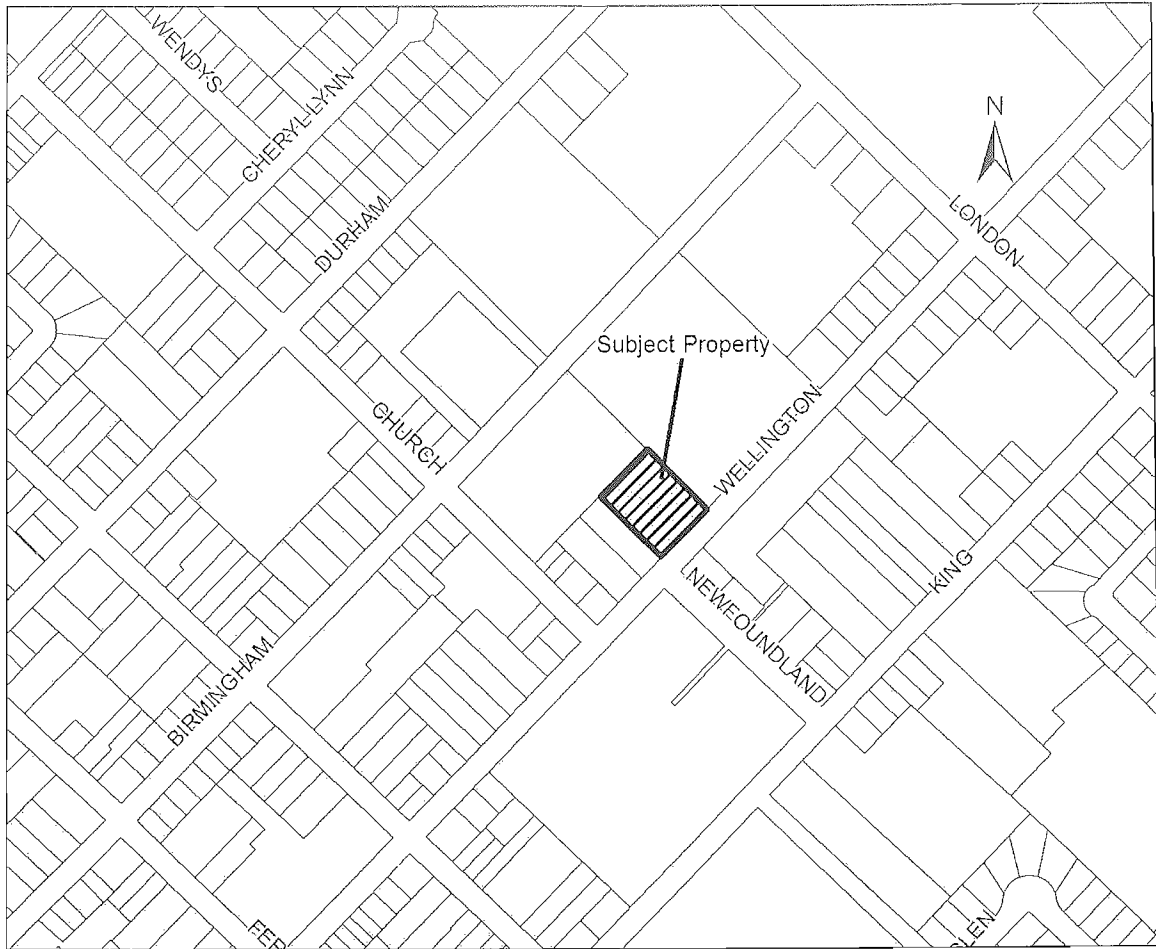
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Secretary Treasurer

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Chairman







TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: July 25, 2013

File Number: A 5 113 Roll # 23-49-000-002-02400-0000

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

A. GENERAL INFORMATION

1.\* APPLICANT INFORMATION

a)\* Registered Owner's Name(s): Dwight Rundle

Address: Box 732 Mount Forest Ont NOG-2LO

Phone: Home (519) 323-4230 Work ( ) same Fax 519-323-2179

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 [ ] units

Municipal Address: 455 Wellington St East

Concession: \_\_\_\_\_ Lot: \_\_\_\_\_ Registered Plan No.: \_\_\_\_\_

Area: 4518 Depth: 75.6 Frontage (Width): 59.9 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.

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

Official Plan Designation: Residential

Zoning: R-2 & F D

**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?

Wellington Street EAST

**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 for oversized accessory buildings as per application B41/13

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

For the existing sheds.

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

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

a) THE SUBJECT PROPERTY? Residential

009

b) THE ABUTTING PROPERTIES? Residential / vacant

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>Sheds</u>	<del>_____</del>	b) Main Building Height	<u>9 ft</u>	<del>20 ft</del>
c) % Lot Coverage	_____	_____	d) # of Parking Spaces	_____	_____
e) # of Loading Space(s)	_____	_____	f) Number of Floors	<u>1</u>	<u>2</u>
g) Total Floor Area (exclude basement)	<u>3745 sq ft</u>	_____	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: 1984

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: 1970

14. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY? 50 plus 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 []  
\_\_\_\_\_

**F. OTHER RELATED PLANNING APPLICATIONS**

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

Official Plan Amendment	Yes [ ]	No [ <input checked="" type="checkbox"/> ]
Zoning By-law Amendment	Yes [ ]	No [ <input checked="" type="checkbox"/> ]
Plan of Subdivision	Yes [ ]	No [ <input checked="" type="checkbox"/> ]
Consent [Severance]	Yes [ <input checked="" type="checkbox"/> ]	No [ ]

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

File No. of Application: B41/13

Purpose of Application: To serve vacant 1.34 Hectares for the house

Status of Application: Approved with conditions.

**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) Dwight Rundle of the town of MOUNT FOREST,  
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 25 day of July, 2013.

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

July 25/13  
*Date*

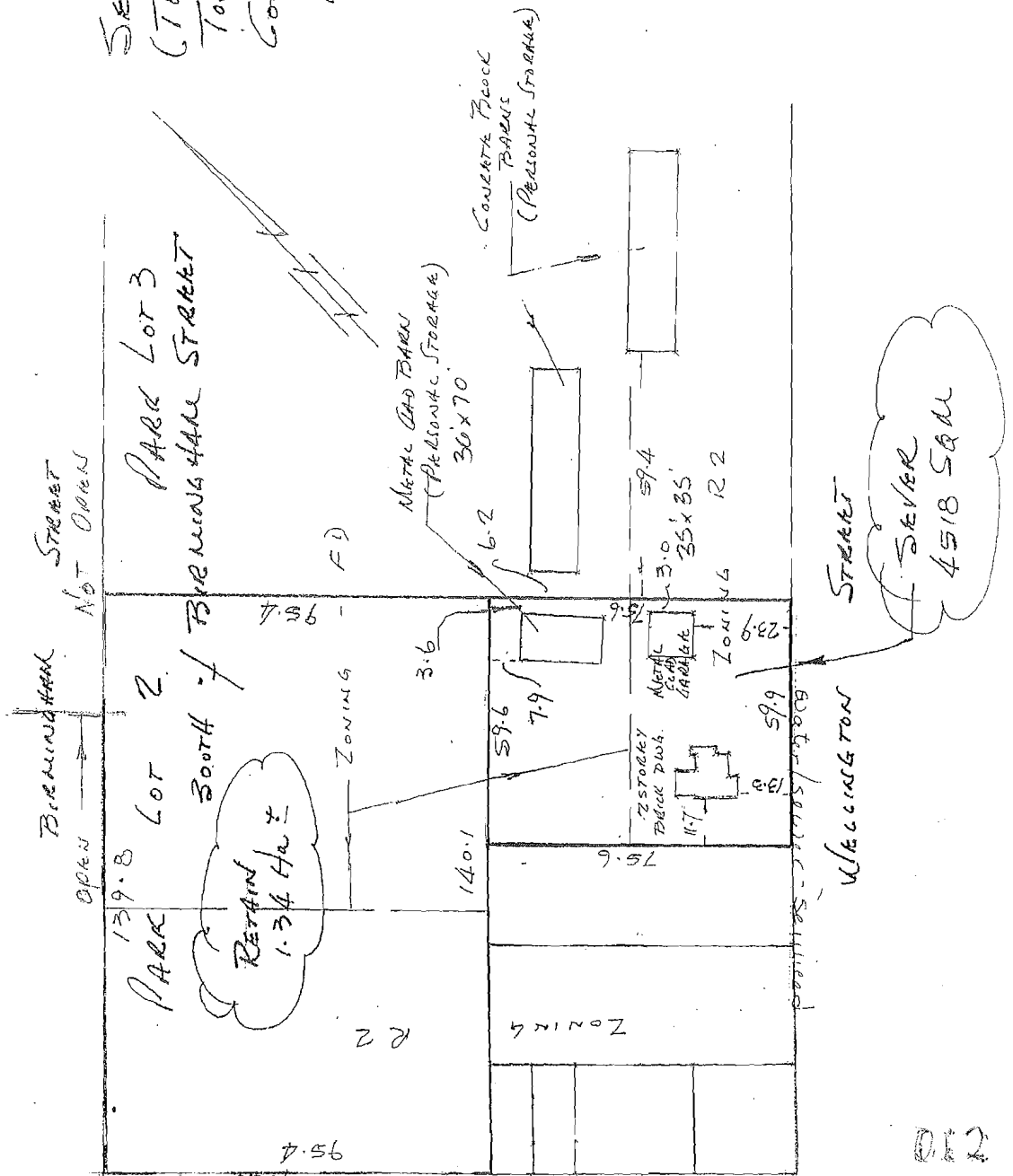
[Signature]  
*Signature of Commissioner*  
CATHERINE E. MORE, a Commissioner,  
etc., County of Wellington, Deputy Clerk  
of the Corporation of the Township of  
Wellington North.

July 25, 2013  
*Date*

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

[Signature]  
*Signature of Municipal Employee*

July 25, 2013  
*Date*



SEVERANCE SEATHAM TRAK  
 (TOWN OF MOUNT FOREST)  
 TOWNSHIP OF WASHINGTON NOVA SCOTIA  
 COUNTY OF WASHINGTON  
 1: 1250

MCH/13  
 8378

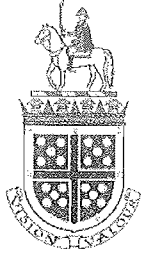
*Alex R. Wilson*

Alex R. Wilson

SURVEYING INC

MOUNT FOREST

519 323 2451



## 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

September 4, 2013

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

Dear Mr. Jones,

Re: **Minor Variance Application A05/13**  
**Part Park lot 2**  
**455 Wellington St. E, Mount Forest**  
**Dwight Rundle**

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

**Planning Opinion:**

The variances requested would provide relief from sections 6.1.4(ii) of the Zoning By-law to allow for accessory structures to exceed the maximum allowable floor area of 92.9 m<sup>2</sup> (1000 ft<sup>2</sup>).

This variance will satisfy a condition of provisional approval for consent application B41/13. The applicant has indicated that the buildings being kept will be used for storage and a garage. The Committee should be satisfied that the accessory buildings are intended for personal use and not for commercial purposes.

**Wellington County Official Plan:** The subject property is designated Residential in the Urban centre of Mount Forest. 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 Medium Density Residential (R2) and Future Development (FD). The property received provisional approval from the County Land Division Committee to sever a 0.4 ha (1 ac.) lot with an existing dwelling and two large accessory structures, subject to conditions. The two accessory structures each have a floor area of 234 m<sup>2</sup> (2520 sq.ft.) and 113.8 m<sup>2</sup> (1225 sq.ft.) which equals a combined floor area of 347.9 m<sup>2</sup> (3,745 ft<sup>2</sup>). As such, the following relief is required from section 6.1.4(ii) of the by-law:

- 1) To allow existing accessory structures with a maximum combined floor area of 347.9 m<sup>2</sup> (3,745 ft<sup>2</sup>), whereas 92.9 m<sup>2</sup> (1000 ft<sup>2</sup>) is permitted.

The subject lands were formerly part of a 4.3 acre parcel of land that received provisional approval in June 2013 to sever a 1 acre parcel. The accessory buildings were existing at that time and it should be noted that the lot coverage (floor area) was already exceeded. Essentially the buildings would have been considered legal non-conforming at that time. This variance will legalize this existing legal non conforming situation. All other zoning requirements appear to be met.

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

Yours truly,

A handwritten signature in cursive script, appearing to read "L. Redmond".

Linda Redmond, B.A.  
Senior Planner