



Township of Wellington North

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

COMMITTEE OF ADJUSTMENT

Monday, September 27th, 2010 – 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

Page 1 of 2

| AGENDA ITEM | PAGE NO. |
|---|----------|
| <u>Chairman</u> | |
| 1. Officially open the public meeting. | |
| 2. Declaration of Pecuniary Interest and General Nature Thereof. | |
| 3. Minutes, A5-10 (2 nd Meeting) (attached) | 01 |
| <u>APPLICATION A8/10</u> | |
| Applicant: Anthony and Jayne Van Gerven | |
| THE LOCATION OF THE SUBJECT PROPERTY is Part Lot 7, Concession 4, Former Township of West Luther with a civic address of 8653 Sideroad 7. A single detached dwelling and storage shed is located on the 5.09 ha (12.6 ac) rural residential property. The location of the property is shown on the map attached. | 05 |
| THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from section 6.1.4 ii) of the Wellington North Zoning By-law regulating the maximum floor area for an accessory building of a residential use. The applicant is proposing to add on to their existing storage shed and relief is requested to increase the maximum floor area from 92.9 sq. m (1,000 sq. ft.) to 125.4 sq. m (1,350 sq. ft). The property is located in an Agricultural (A) and Natural Environment (NE) zone. | |
| 4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on September 14th, 2010 as well as posted on the property. | |

| AGENDA ITEM | PAGE NO. |
|--|----------|
| 5. Application for a Minor Variance | 06 |
| 6. Township Planner – Linda Redmond will review the County comments provided by Charlie Toman, Planner, dated September 23, 2010 (attached). | 12 |
| 7. Correspondence/Comments received: | |
| Liz Yerex, Resource Planner, GRCA - No objection | 04 |
| Grand River Conservation Authority - Permit Number: 426/10 | 15 |
| 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 | |

COMMITTEE OF ADJUSTMENT

TOWNSHIP OF WELLINGTON NORTH

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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. 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 this consent application B69/10.

4. The Alt. Secretary Treasurer confirmed that notice was mailed to those requesting notice in writing on September 1, 2010.
5. Township Planner – Mark Van Patter reviewed the County comments dated June 23, 2010.

Mr. Van Patter advised the Committee that the Planner's comments of June 23 stand unrevised. Ms. Redmond tried to resolve issues between neighbours but was not successful.

6. Correspondence/Comments received:
 - Liz Yerex, Resource Planner, GRCA
 - No objection
 - Ethel McEwen, 221 Tucker Street, Arthur
 - Objection
 - Correspondence dated:
 - June 28, 2010
 - July 9, 2010

TOWNSHIP OF WELLINGTON NORTH

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A5/10

Page Three

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.

Mr. O'Neill indicated that he had discussed the application with Mrs. McEwen. She gave him the impression that she was not going to contest the application. The home builder, Jeff Shoemaker, was in attendance to verify the side yard requested.

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

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 commented that the Committee will have to go with the Planner's recommendation as the neighbours did not reach an agreement.

Moved by: Councillor Matusinec

Seconded by: Councillor Yake

THAT the minor variance applied for in Application A5/10 be authorized.

Resolution No. 2

Carried

TOWNSHIP OF WELLINGTON NORTH

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A5/10

Page Four

8. Adjournment

Moved by: Councillor Chaulk

Seconded by: Councillor Mason

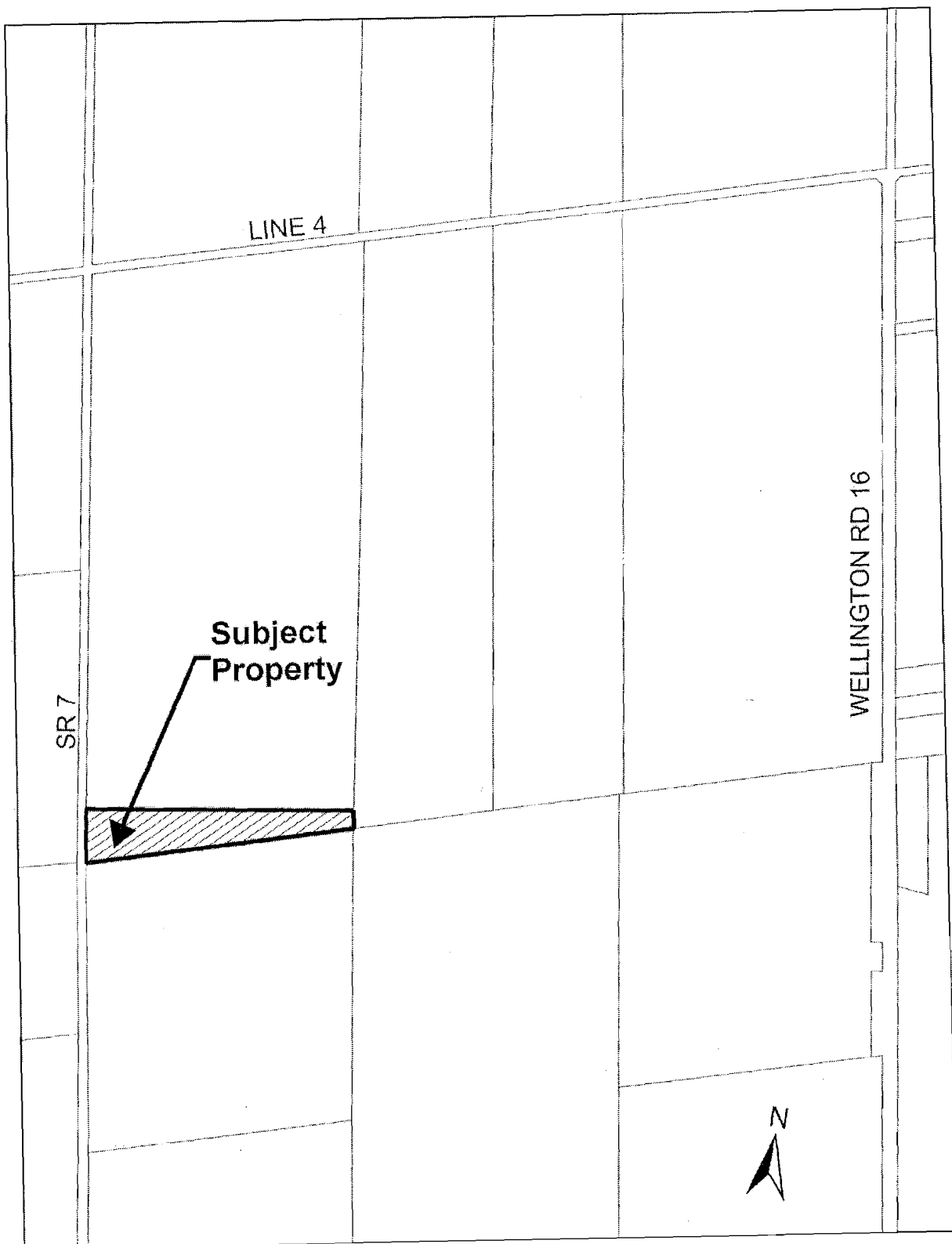
That the Committee of Adjustment meeting of September 10, 2010 be adjourned.

Resolution No. 3

Carried

Alt. Secretary Treasurer

Chairman





TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: September 1, 2010

File Number: A 8110

Roll # 23-49-000-014-11650-0000

Date Application Filed: _____

Application Fee Received: \$ 500.00

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): Tony + Jayne Van Gerven

Address: RR#2 Arthur Ont. N0G1A0

Phone: Home (519) 848-3252 Work () Fax _____

Email: jayne.tony@hotmail.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:
N/A

d) Send Correspondence To: Owner ☒ Agent ☐ Other ☐

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

Measurements are in: Metric ☐ Imperial ☐ units

Municipal Address: RR#2 Arthur Ontario N0G1A0

Concession: 4 Lot: 7 Registered Plan No.: ~~60R-2735~~ 60R-2735

Area: 12.6 Depth: 2037' Frontage (Width): 416' 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: Con. 4 PT 67 60R2735 West Luther Township

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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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?

Sideroad No 7

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)

Extension to Storage Shed

sketch

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

addition to structure will make storage shed
greater than 1000 square feet

lx 630 proposed 1350

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

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

a) THE SUBJECT PROPERTY? Residential Home

b) THE ABUTTING PROPERTIES? Farmland

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

| | Existing | Proposed | | Existing | Proposed |
|---|--------------|----------|-------------------------|-----------|----------|
| a) Type of Building(s) | Storage Shed | Same | b) Main Building Height | 20' | 15' |
| c) % Lot Coverage | 21x30 | 45x30 | d) # of Parking Spaces | N/A | |
| e) # of Loading Space(s) | | | f) Number of Floors | 1 | 1 |
| g) Total Floor Area (exclude basement) | 630sqft | 1350sqft | h) Ground Floor Area | same as g | |

- 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

| | Existing | Proposed | | Existing | Proposed |
|---------------|----------|----------|---------------|----------|----------|
| a) Front Yard | | | b) Side Yards | | |
| c) Rear Yard | | | | | |

- 13.* DATE OF ACQUISITION OF SUBJECT PROPERTY: February 28, 1989
- DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: _____

14. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY?
- House since 1992 Shed since 1994

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

- 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) TONY VANGERVEREN of the Township of Wellington North

County/Region of Wellington do hereby authorize JAYNE VANGERVEREN to act as my agent in this application

[Signature] Date Sept 1/10
Signature of Owner(s)

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

I (we) JAYNE VANGERVEREN of the TOWNSHIP WELLINGTON NORTH 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 WELLINGTON of ST NORTH in the County of

WELLINGTON this 1 day of SEPT, 20 10

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

Sept. 1/10
Date

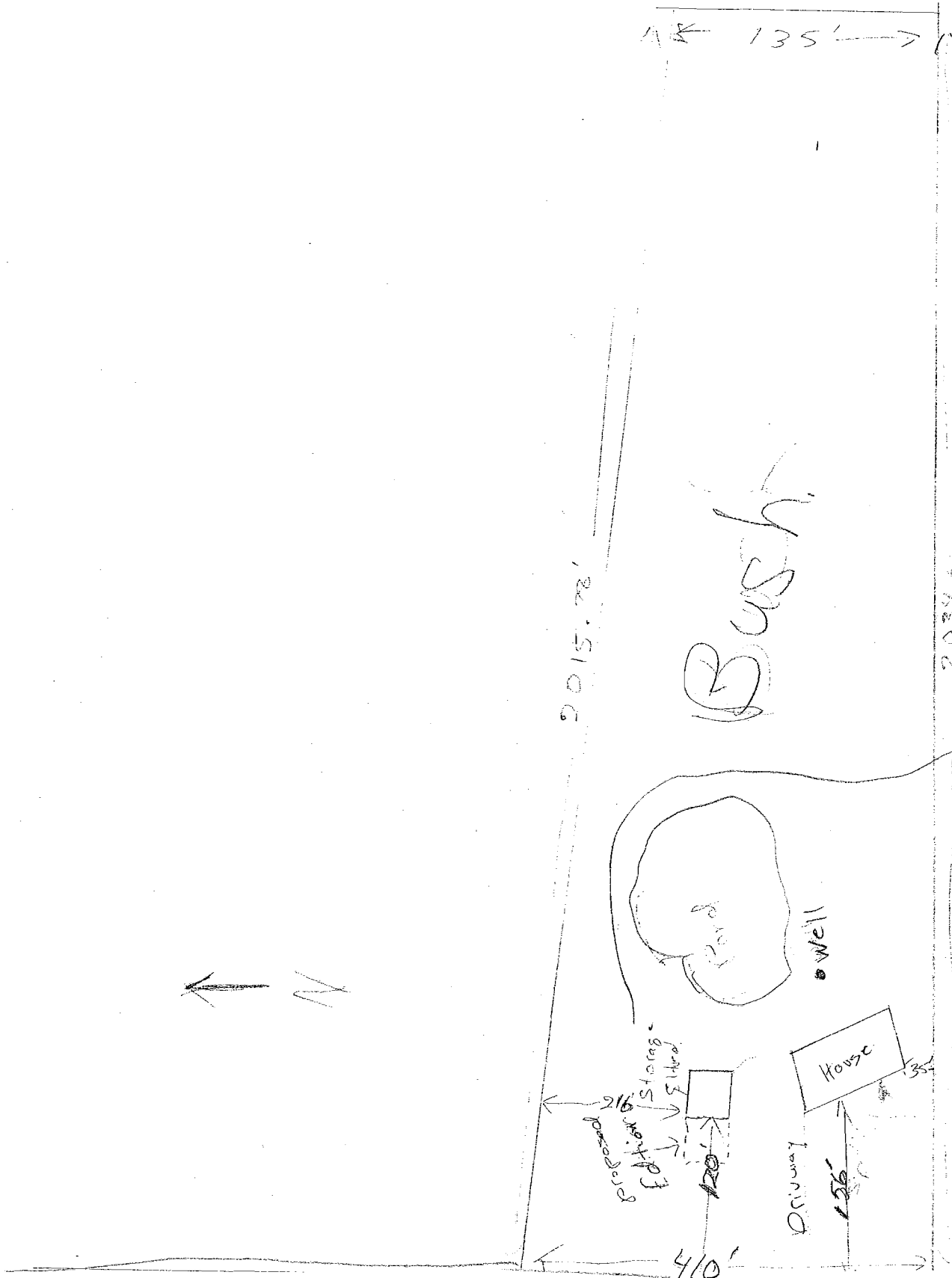
[Signature]
Signature of Commissioner

Sept 1/10
Date

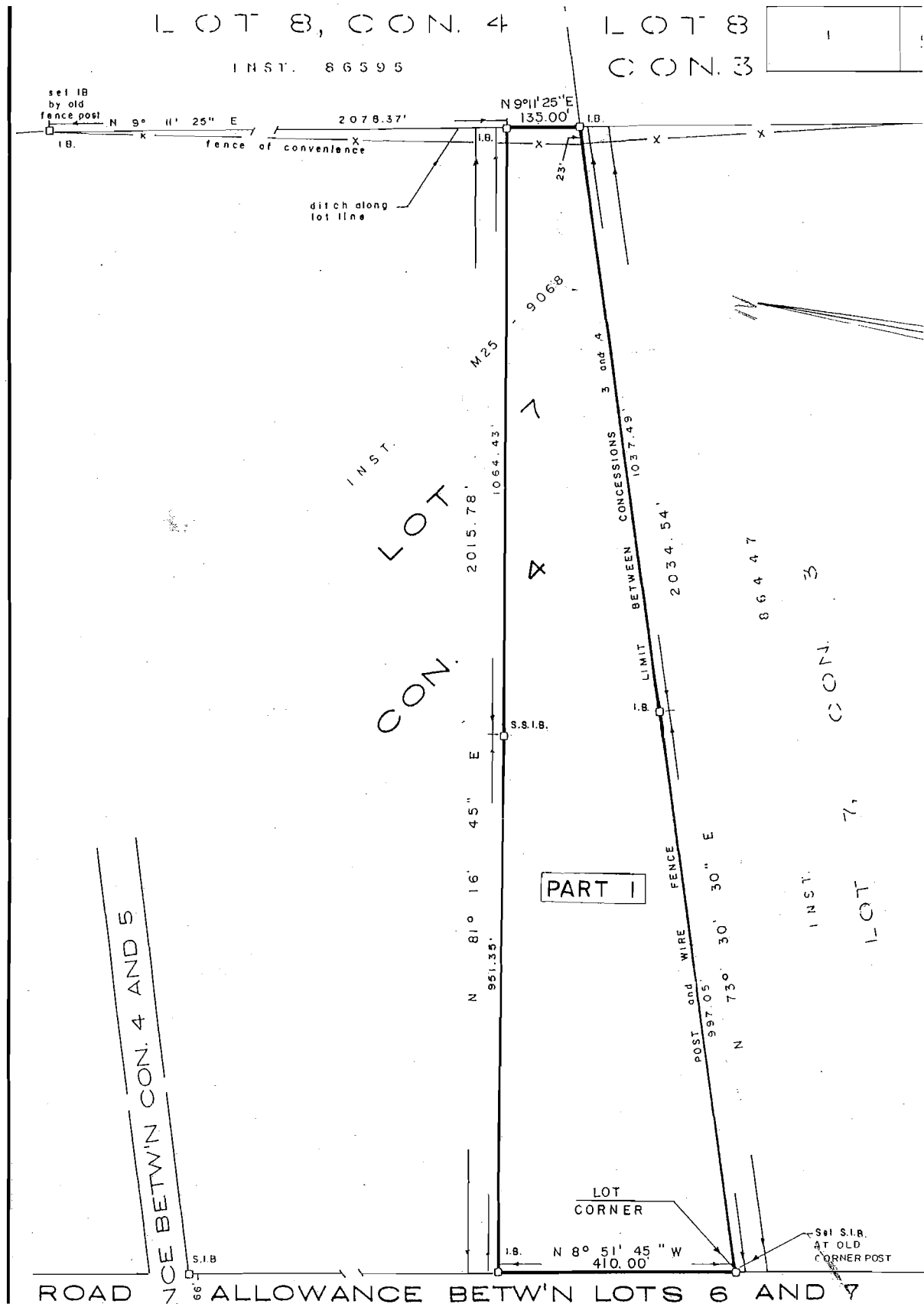
APPLICATION AND FEE OF \$500.00 RECEIVED BY THE MUNICIPALITY:

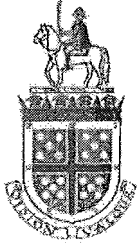
[Signature]
Signature of Municipal Employee

Sept 1, 2010
Date



Side road 7.





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 23, 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 A8/10**
8653 Sideroad 7, Former Township of West Luther
VanGerven

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

Planning Opinion: The applicant is proposing to increase the size of their existing storage shed from 58.5 m² (630 ft²) to 125.4 m² (1,350 ft²). The subject property is 5.1 ha (12.6 ac) in size and is occupied by a single detached dwelling and storage shed. The application would provide relief from the maximum floor area requirements for an accessory building.

We understand that the GRCA have conducted a site visit of the subject property and based on the information provided by the applicant, have no objection to the proposed variance. A development permit was issued by the GRCA (No. 426/10) on September 9, 2010.

Given the large area of the parcel, the requested expansion of the storage shed 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.

We would recommend that the approval be subject to the following conditions:

1. That the accessory building is intended for personal use and not for commercial purposes; and
2. That the storage shed extension is located as illustrated on the site plan submitted as part of GRCA development permit No. 426/10.

Wellington County Official Plan: The subject property is designated PRIME AGRICULTURAL, CORE GREENLANDS and GREENLANDS in the County of Wellington 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 Agriculture (A) and Natural Environment (NE). Based upon the applicant's sketch and comments received from the GRCA, the proposed expansion is located outside of Natural Environment (NE) zone as stipulated in Section 2.6 of the By-law which states:

"The Natural Environment (NE) zone boundaries identified on the schedules to this By-law are intended to generally identify the location of potentially hazardous environmental features. During review of development applications and building permit applications, if necessary, the boundaries of the NE zone shall be more precisely determined in consultation with the Conservation Authority or other agencies having jurisdiction in the area. Where detailed resource mapping and/or site inspection results in a re-interpretation of the limits of the NE zone boundary, all requirements of this by-law shall be reviewed relative to the revised interpretation of the NE Zone boundary, including any applicable setbacks."

The proposal exceeds the maximum floor area for an accessory building of a residential use as stipulated in Section 6.1.4 ii) of the By-law. The applicant is proposing to add to their existing storage shed and relief is requested to increase the maximum floor area from 92.9 m² (1,000 ft²) to 125.4 m² (1,350 ft²), an increase of 32.5 m² (350 ft²).

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

Yours truly,



Charlie Toman, B.E.S.
Planner



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

PLAN REVIEW REPORT Township of Wellington North
Darren Jones Building/Zoning Dept.**DATE:** SEPTEMBER 20, 2010
GRCA FILE: Wellington/Well N/MV/C**YOUR FILE:** A8/10**RE:** Application for Minor Variance
Part Lot 7, Concession 4, Township of West Luther Township**GRCA COMMENT: ***

The Grand River Conservation Authority (GRCA) attended a site visit to confirm the location of the proposed addition to an existing shed and the location of the wetland on this property. Based on the site visit Permit 426/10 was approved by the GRCA Board on September 9, 2010 for the construction of the addition with a setback from the wetland.

Based on the above we have no objection to the relief requested in this minor variance application.

BACKGROUND:**1. Resource Issues:**

A large portion of the property lies within a section of Provincially Significant wetland. The wetland and 120 metre allowance adjacent to the wetland is subject to Ontario 150/06.

2. Legislative/Policy Requirements and Implications:

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.

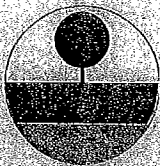
3. Additional Information/Suggestions provided in an advisory capacity:

None


Liz Yerek
Resource Planner
Resource Management Division

M:\Watershed Resources Planning\Resource Planning\WELLINGTONNORTH\WELL\2010\MVA8-10 L7C4.doc

**ISO 14001 Registered**Canadian
Heritage
Rivers
System



Permit Number: 426/10

Grand River Conservation Authority

Under Ontario Regulation 150/06 made under the Conservation Authorities Act, R.S.O. 1990, Chapter C 27, permission is granted to:

Tony VanGerven

Whose address for purposes pertaining to this project is:

RR 2
Arthur, ON
N0G 1A0

To execute proposed works in accordance with the following particulars and conditions:

Location of Work: 8653 Sideroad 7,
Township of Wellington North

Purpose of Work: To construct an addition to an accessory structure at 8653 Sideroad 7 in the
Township of Wellington North

Nature of Work: Addition to an accessory structure

This permit is valid from: **September 9, 2010**

and expires on: **September 9, 2012**

The attached Schedules form parts of this permit describing the approved work and must be implemented in order so that the true intent of the permit can be achieved.

The Permittee, by acceptance and in consideration of the issuance of this permit, agrees to the conditions listed on the reverse side of Schedule "A"

Dated at Cambridge, Ontario, this 9th day of September, 2010

GRAND RIVER CONSERVATION AUTHORITY

Joe Parwell,
Acting Chief Administrative Officer

COPY



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

September 9, 2010

RECEIVED

SEP 13 2010

TWP. OF WELLINGTON NORTH

Mr. Tony VanGerven
RR 2
Arthur, ON
N0G 1A0

Dear Mr. VanGerven:

Re: Application for Permission No. 426/10, Pursuant to Ontario Regulation 150/06 to construct an addition to an accessory structure at 8653 Sideroad 7 in the Township of Wellington North

The General Membership Committee of the Grand River Conservation Authority approved your application on September 9, 2010 to construct an addition to an accessory structure at 8653 Sideroad 7 in the Township of Wellington North. We have enclosed the permit with the attached schedules.

The schedules form part of the permit and describe the work approved. Any changes to these plans must be reviewed and approved by the Grand River Conservation Authority. Please note that permission is based on existing information, policies and practices and does not bind or imply that any other permission will be forthcoming. Please notify our office on completion of the work.

If you have any questions regarding this letter or the conditions described on the permit, please contact me.

Yours truly,

A handwritten signature in cursive script that reads "Liz Yerex".

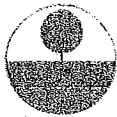
Liz Yerex
Resource Planner
Resource Management Division

LY*cb

Encl.

c.c. Clerk, Township of Wellington North
Darren Jones, Township of Wellington North





Grand River Conservation Authority

Administration Office:

400 Clyde Road, P.O. Box 729, Cambridge, Ontario N1R 5W6
Telephone: 519-621-2761 Fax: (519) 621-4945

| | |
|---|-------------------------------|
| GRCA USE ONLY | |
| RE | APPLICATION NUMBER 426/110 |
| AUG - 3 2010 | |
| BY GRAND RIVER CONSERVATION AUTHORITY | |

Schedule "A" - Application for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit (Pursuant to Ontario Regulation 150/06)

Please read, complete each section as required, date and sign this application. Please allow 6-8 weeks for processing.

Owner's name: Tony Van Geven E-mail: _____

Address: RR# 2 City/town: Arthur Postal code: N0G1A0

Telephone: Bus. (519) _____ Res. (519) 8785274 Fax () _____

Agent's name: _____ E-mail: _____

Address: _____ City/town: _____ Postal code: _____

Telephone: Bus. () _____ Res. () _____ Fax () _____

Location of subject property:

Lot No. 7 Plan No. _____ Farm Lot No. 7 Concession 8

Municipal address of property: 8653 - Sideroad 7 West Luther

City/town/village/Township of: Arthur County/Region: Wellington North

Application is hereby made to (check all that apply):

For examples of Minor, Standard and Major applications please refer to the Fee Schedule on pages 3 & 4.

- ☒ Minor Development
- ☐ Minor Interference with Wetlands, Alteration to Shorelines & Watercourses
- ☐ Standard Development
- ☐ Standard Interference with Wetlands, Alteration to Shorelines & Watercourses
- ☐ Major Development
- ☐ Major Interference with Wetlands, Alteration to Shorelines & Watercourses

This application must include four (4) folded copies of each appropriate plan(s) showing the proposed work.

Land Use: Present _____ Proposed change (if any) _____

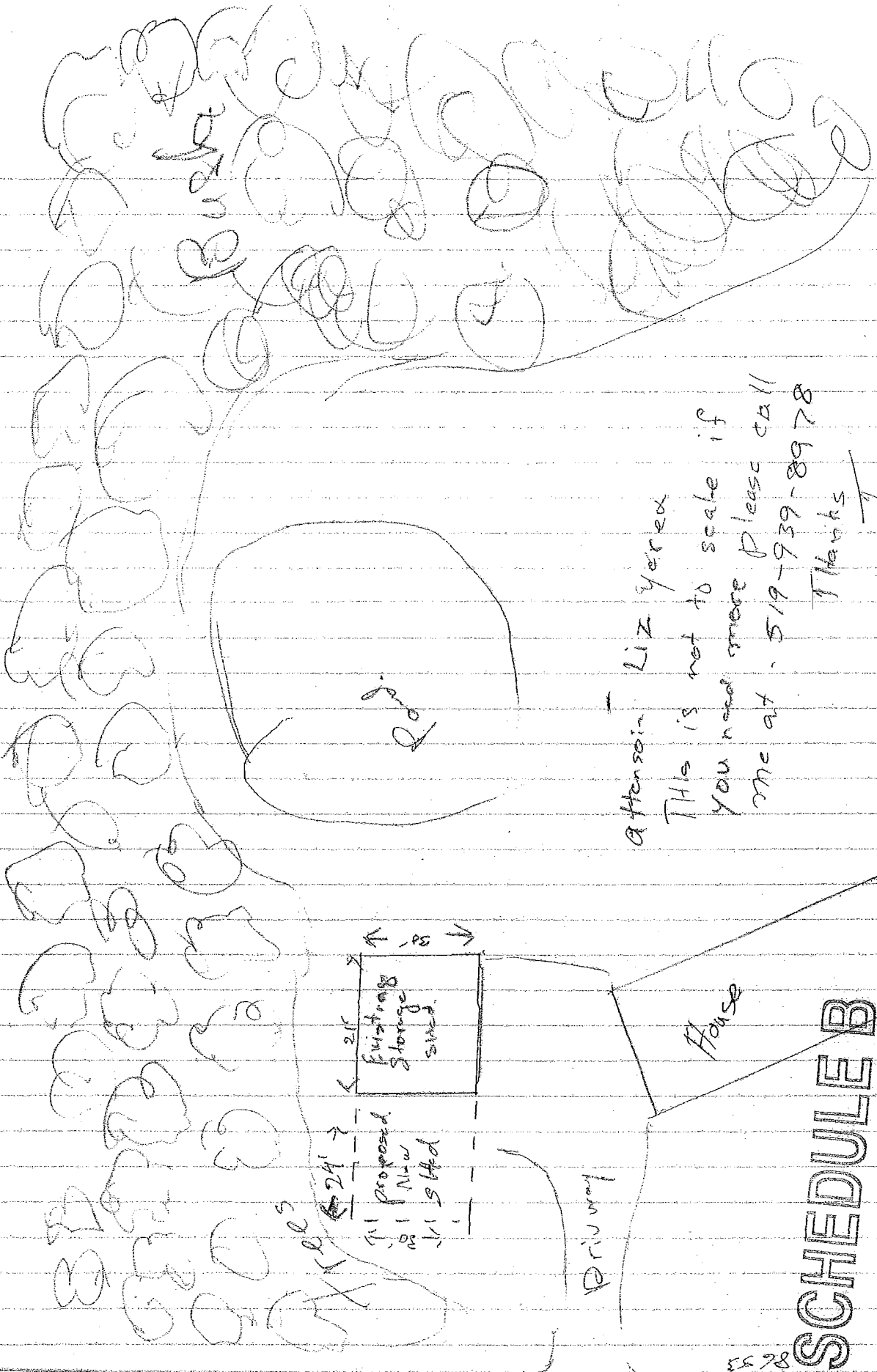
I declare that I have read and agree to the General Conditions of Permit on the reverse of this form and that all information provided is true.

Tony Van Geven
Signature of Owner

July - 29 - 2010
mm/dd/yyyy
Date

Signature of Agent

North



attention Liz yered
 This is not to scale if
 you need more please call
 me at 519-939-8978
 Thanks / Tony

SCHEDULE B

Side road w/ 2