

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

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A3/12

The Committee of Adjustment met on Monday, September 10, 2012 at the Kenilworth Municipal Office, at 7:30 p.m.

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

Also Present: Secretary-Treasurer, Cathy More
Executive Assistant, Cathy Conrad
Township Planner, Linda Redmond

1. The Chairman called the meeting to order.
2. Disclosure of Pecuniary Interest and General Nature Thereof

None Reported
3. Minutes

Moved by: Councillor Goetz
Seconded by: Councillor Burke

THAT the Committee of Adjustment meeting minutes of May 28, 2012 – A2/12 be adopted as presented.

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Applications A2/12 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A3/12

Page Two

APPLICATION A3/12

Applicant: David James Stevenson and Joanne Henrietta Stevenson

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 18, Concession 1 North, with a civic address of 8426 East-West Luther Townline.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from section 6.1.3 of the Wellington North Zoning By-law regulating the maximum height for an accessory building of a residential use. The applicant is proposing to construct an accessory structure which exceeds the maximum height permitted by 0.53 m. (1.75 ft.). The property is located in an Agricultural (A) zone.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on August 30, 2012 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed her comments dated August 31, 2012.

The variances requested would provide relief from section 6.1.3 of the Zoning By-law to allow for an accessory structure which exceeds the height of the main building by 0.53 m. (1.75 ft.). The applicants are submitting this request based on the storage needs of a recreational vehicle.

The Planning Department had no concerns with the relief requested at this time. The application is minor, 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 PRIME AGRICULTURAL 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

A3/12

Page Three

Under the Wellington North Zoning By-law the subject lands are zoned Agricultural (A). The property is currently vacant and was severed in 1989. The applicants are proposing to construct an accessory structure that will be 1.75 ft. higher than the main building (dwelling). Section 6.1.3 of the zoning by-law states that an accessory use must not exceed the height of the main building. As such the following variance has been requested:

1. Relief to allow a proposed accessory structures height to exceed the main building. The accessory structure will have a height of 5.18 m. (17 ft.), whereas the residential dwelling will be 4.65 m. (15.25 ft.).

6. Correspondence/Comments received:

- Grand River Conservation Authority
 - Liz Yerex, Resource Planner
 - No Objection

7. Questions/Comments

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

The Applicants were 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.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A3/12

Page Four

Moved by: Councillor Burke

Seconded by: Councillor Goetz

THAT the minor variance applied for in Application A3/12 be authorized.

Resolution No. 2

Carried

8. Adjournment (7:40 p.m.)

Moved by: Councillor Lennox

Seconded by: Councillor Yake

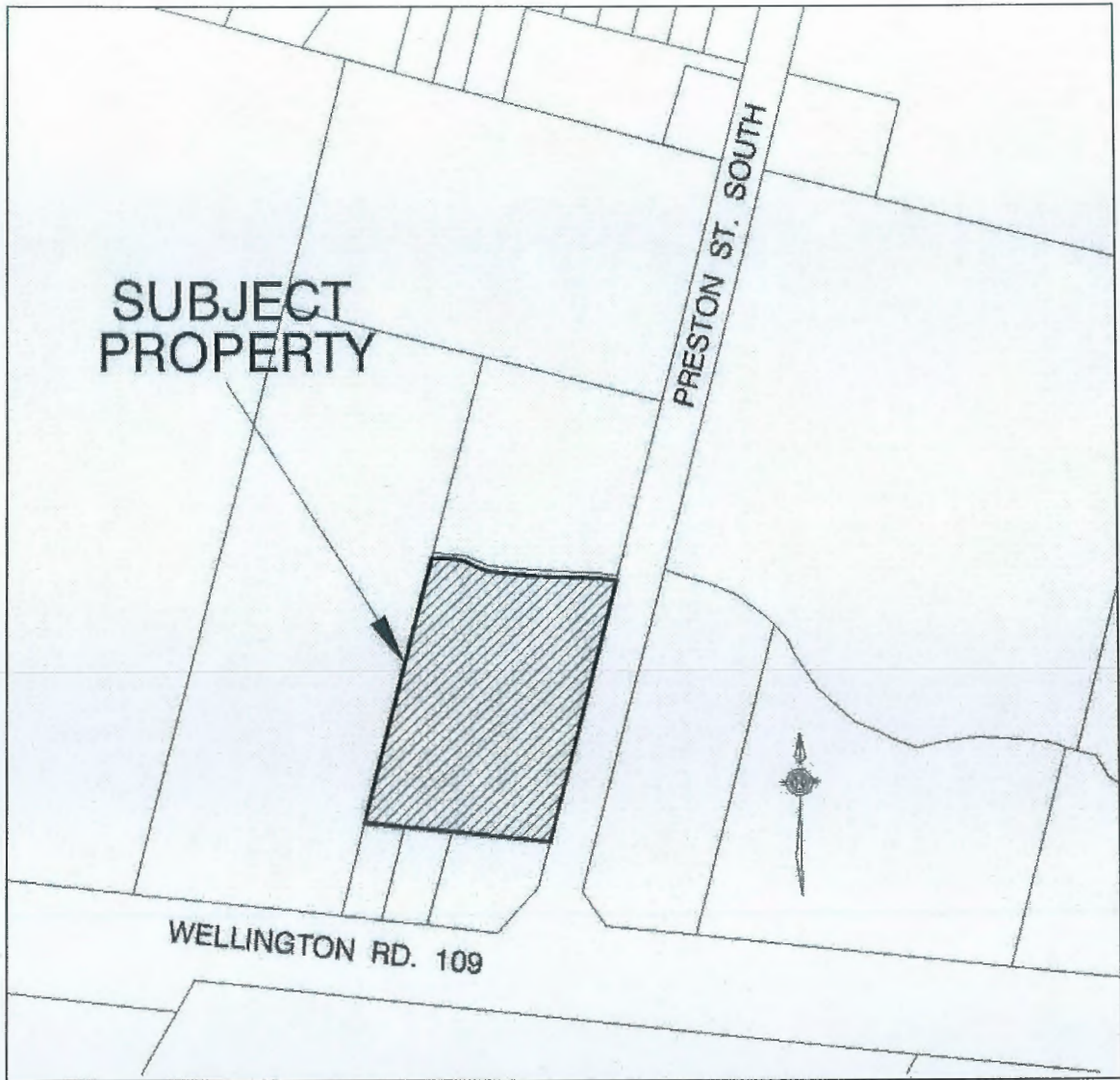
That the Committee of Adjustment meeting of September 10, 2012 be adjourned.

Resolution No. 3

Carried

Alternate Secretary Treasurer

Chairman





TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: September 17, 2012

File Number: A 4112 Roll # 23-49-000-012-01712-0000

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

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): RONALD + DEBORAH DETORO

Address: 7902 RRY Hwy 109 ARTHUR

Phone: Home (519) 848-1413 Work () Fax _____

Email: RDETORO@LIVE.CA

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: 7902 RRY County Rd 109

Concession: _____ Lot: PT 4015 Registered Plan No.: _____

Area: 3.48 ACRES Depth: _____ Frontage (Width): 33.36' 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 *	[]	[]	[<input checked="" type="checkbox"/>]	[]	[]	[]	[<input checked="" type="checkbox"/>]	[]
b) Proposed	[]	[]	[<input checked="" type="checkbox"/>]	[]	[]	[]	[<input checked="" 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?

RR 4 WELLINGTON RD 109

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)

REQUIRE LAKE BUILDING FOR STORAGE OF ANTIQUE AUTOMOBILES, BOATS SNOWMOBILES, AUTOMOBILE HOBBY

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

NEED MORE SPACE FOR VEHICLE STORAGE

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

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

a) THE SUBJECT PROPERTY? HOME

b) THE ABUTTING PROPERTIES? DOMESTIC HOUSING

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)	<u>Garage</u>			
b) Main Building Height				
c) % Lot Coverage				<u>5</u>
d) # of Parking Spaces				<u>1</u>
e) # of Loading Space(s)				
f) Number of Floors				
g) Total Floor Area (exclude basement)		<u>1760 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

	Existing	Proposed	Existing	Proposed
a) Front Yard		<u>76'</u>		
b) Side Yards				
c) Rear Yard		<u>19'</u>		

13.* DATE OF ACQUISITION OF SUBJECT PROPERTY: SEPT 2011

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: _____

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

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 [<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 []	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) _____ 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) RONALD + DEBORAH DETON of the TOWNSHIP of WELLINGTON NORTH County/Region of WELLINGTON solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the CANADA EVIDENCE ACT.

DECLARED before me at the TOWNSHIP of WELLINGTON NORTH in the County of

WELLINGTON this 17th day of SEPTEMBER, 2012.

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

SEPT 17/12
Date

[Signature]
Signature of Commissioner

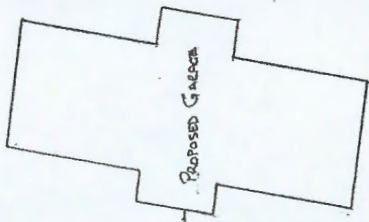
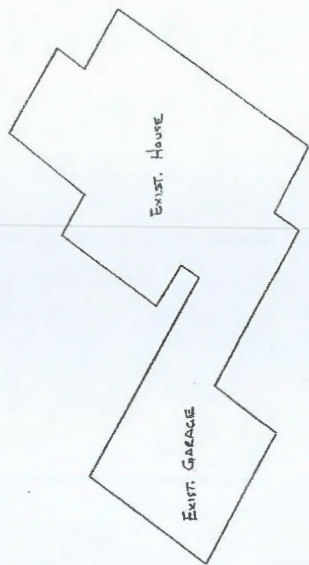
Sept 17/12
Date

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

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

[Signature]
Signature of Municipal Employee

Sept 17/12
Date

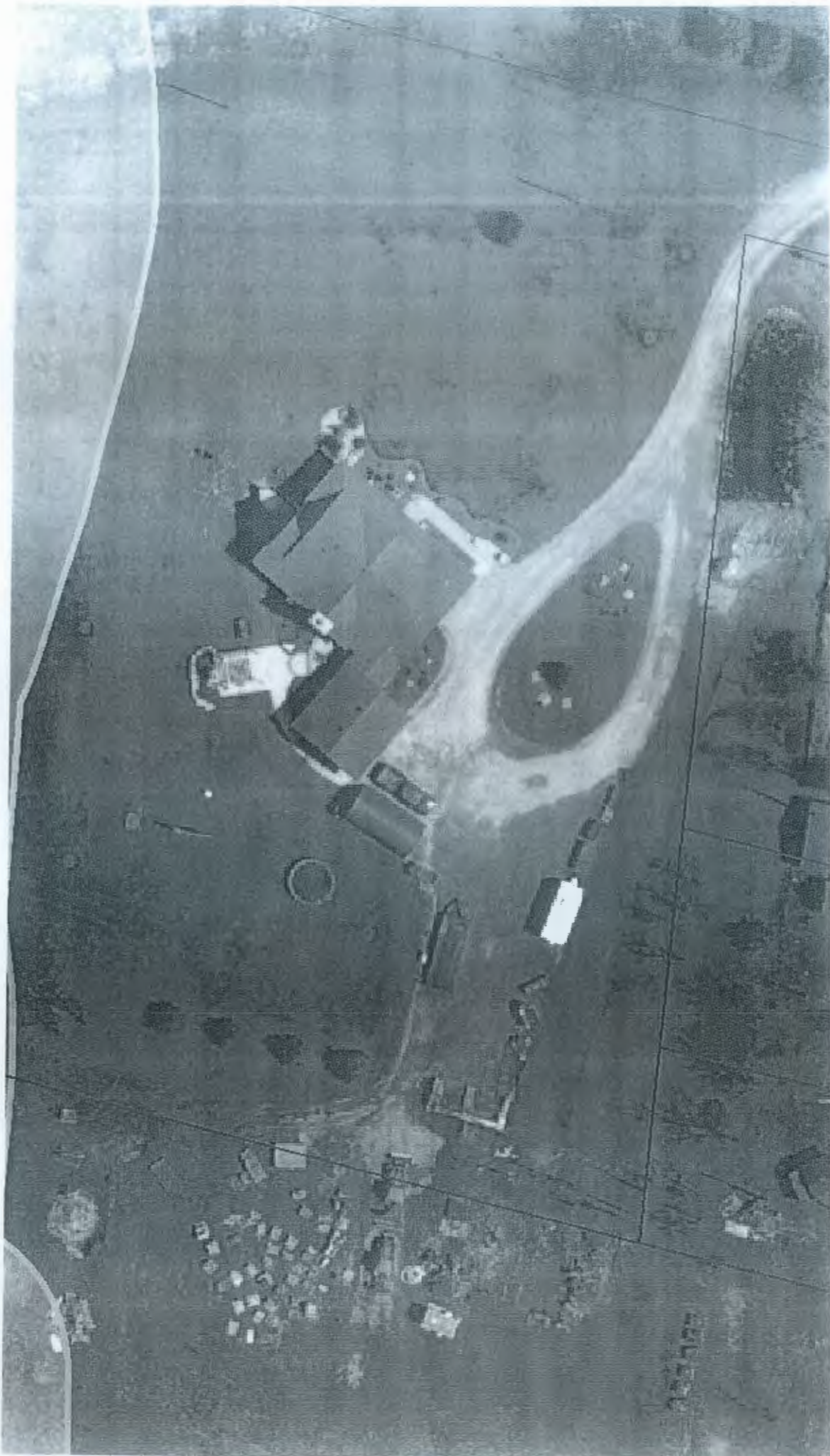


R. J. DETORO
May 2012

FD 1B

FD 1B

FD 1B



CAUTION: THIS PLAN IS NOT A PLAN OF SUBDIVISION WITHIN THE MEANING OF THE PLANNING ACT.

DATE:

[Handwritten Signature]

[Handwritten Signature]
 LAND REGISTRAR FOR THE
 REGISTRY DIVISION OF
 WELLINGTON NORTH (No. 60)

SCHEDULE					
PART	LOCATION	MUNICIPALITY	APPARENT GRANTEE	INST. No.	AREA
1	PART OF PARK LOT 5 NORTH SIDE OF CATHERINE STREET CROWN SURVEY	VILLAGE OF ARTHUR	HARALD SCHNEIDER ALFRED CHARLES BAILEY DAVID BINDSEIL SWIFT	79371	10672 SQ. M
2	PART OF THE BED OF THE CONESTOGA RIVER THROUGH PARK LOT 5 NORTH SIDE OF CATHERINE STREET CROWN SURVEY		CROWN (SEE LETTER FROM MINISTRY OF NATURAL RESOURCES DATED JANUARY 3, 1991 ON FILE WITH DEREK G. GRAHAM LIMITED REGARDING RIVER NAVIGABILITY)		588 SQ. M
3	PART OF PARK LOT 5 NORTH SIDE OF CATHERINE STREET CROWN SURVEY		HARALD SCHNEIDER ALFRED CHARLES BAILEY DAVID BINDSEIL SWIFT	79371	360 SQ. M
4	PART OF THE BED OF THE CONESTOGA RIVER THROUGH PARK LOT 5 NORTH SIDE OF CATHERINE STREET CROWN SURVEY		CROWN (SEE LETTER FROM MINISTRY OF NATURAL RESOURCES DATED JANUARY 3, 1991 ON FILE WITH DEREK G. GRAHAM LIMITED REGARDING RIVER NAVIGABILITY)		24 SQ. M

PLAN OF SURVEY
 OF PART OF PARK LOT 5
 NORTH SIDE OF CATHERINE STREET
 CROWN SURVEY
 VILLAGE OF ARTHUR
 COUNTY OF WELLINGTON

SCALE: 1 : 400



DEREK G. GRAHAM O.L.S.
 1991

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE REGISTRY ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 10th DAY OF JANUARY, 1991.

[Handwritten Signature]
 16 JAN 1991

[Handwritten Signature]
 DEREK GIBSON GRAHAM
 ONTARIO LAND SURVEYOR

PLAN OF SURVEY
 OF PART OF PARK LOT 5
 NORTH SIDE OF CATHERINE STREET
 CROWN SURVEY
 VILLAGE OF ARTHUR
 COUNTY OF WELLINGTON

SCALE: 1 : 400



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September 16 1991

[Signature]
 DEREK GIBSON GRAHAM
 ONTARIO LAND SURVEYOR

BEARINGS ARE ASTRONOMIC AND ARE REFERRED TO THE WIDENED LIMIT OF THE KING'S HIGHWAY No. 9 AS SHOWN ON INST. No. 8996 E (MTC PLAN P - 1868 - 20) HAVING A BEARING OF N 84° 01' 00" W.

CM.	□	DENOTES	CONCRETE MONUMENT
SB	□	DENOTES	STANDARD IRON BAR 25mm. SQ. X 1219mm. LONG
SSB	□	DENOTES	SHORT STANDARD IRON BAR 25mm. SQ. X 0.610m. LONG
IB	□	DENOTES	IRON BAR 25mm. SQ. X 0.610m. LONG
FB	□	DENOTES	FOUND
WTT.	□	DENOTES	WITNESS
MI	□	DENOTES	INFORMATION OF RECORD WITH DEREK G. GRAHAM LIMITED
MEAS.	□	DENOTES	MEASURED

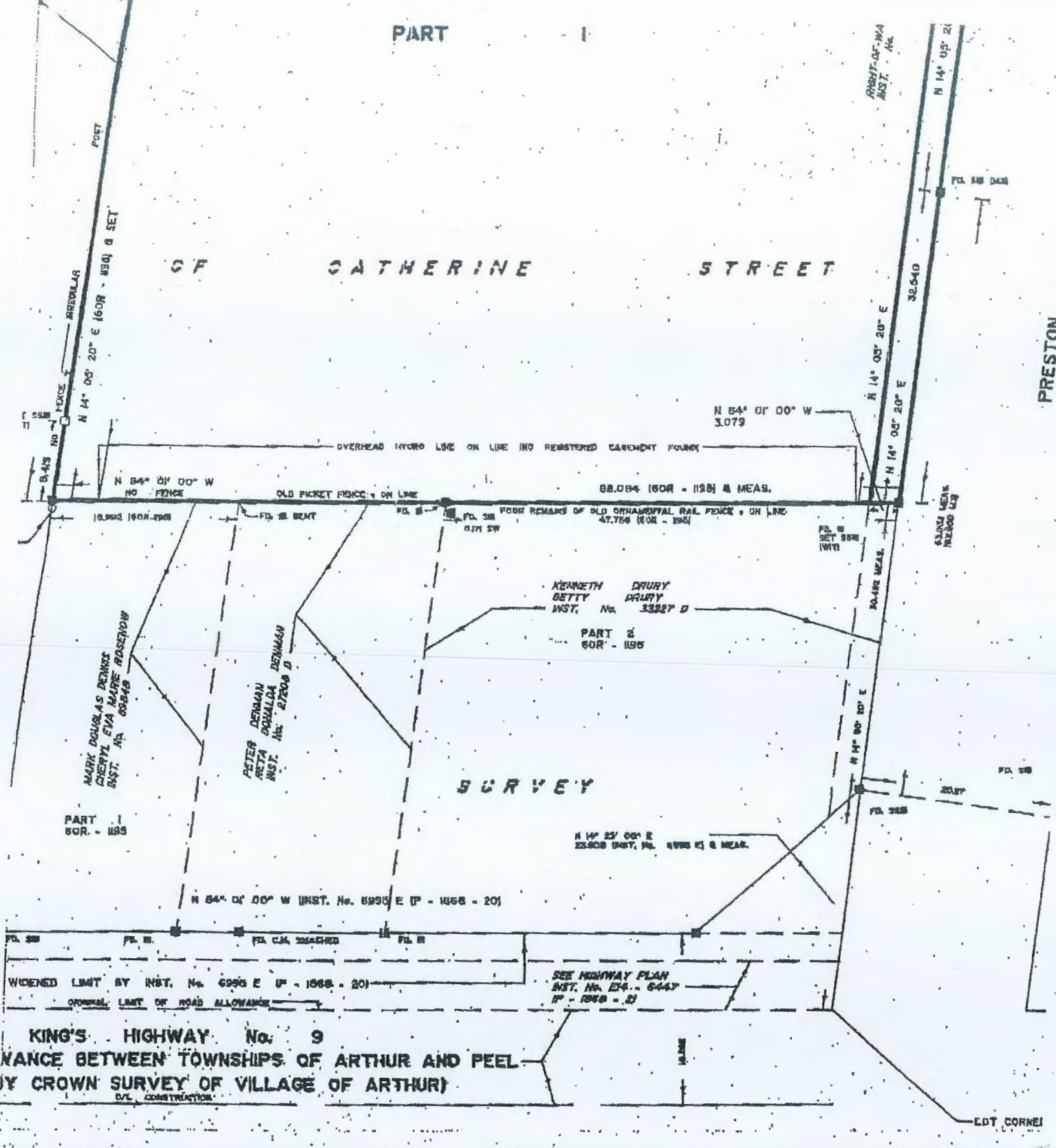
PROPERTY OF
 LAND REGISTRY OFFICE
 WELLINGTON NORTH #60
 NOT FOR SALE

Derek G. Graham Limited Professional Land Surveying Planning 220 Smith Street Etobico, Ontario NOB 1S0 (519) 846-5533	<i>[Signature]</i>		SEAL
	FER: Ontario Land Surveyor		
	DATE	JANUARY 10, 1991	
	FILE	58 - CROWN SURVEY ARTHUR	
NOTE: Valid copy with embossed seal only			

AN ALCADAR DRAWING (ACAD FILE DS-CRART)

OF CATHERINE STREET

PRESTON



MARK DOUGLAS DENNETT
 CHERYL EVA MAIRE RIDGROW
 INST. No. 68848

PETER DENMAN
 BETTA OSWALDA DENMAN
 INST. No. 27808 D

KENNETH DRURY
 BETTY DRURY
 INST. No. 33827 D

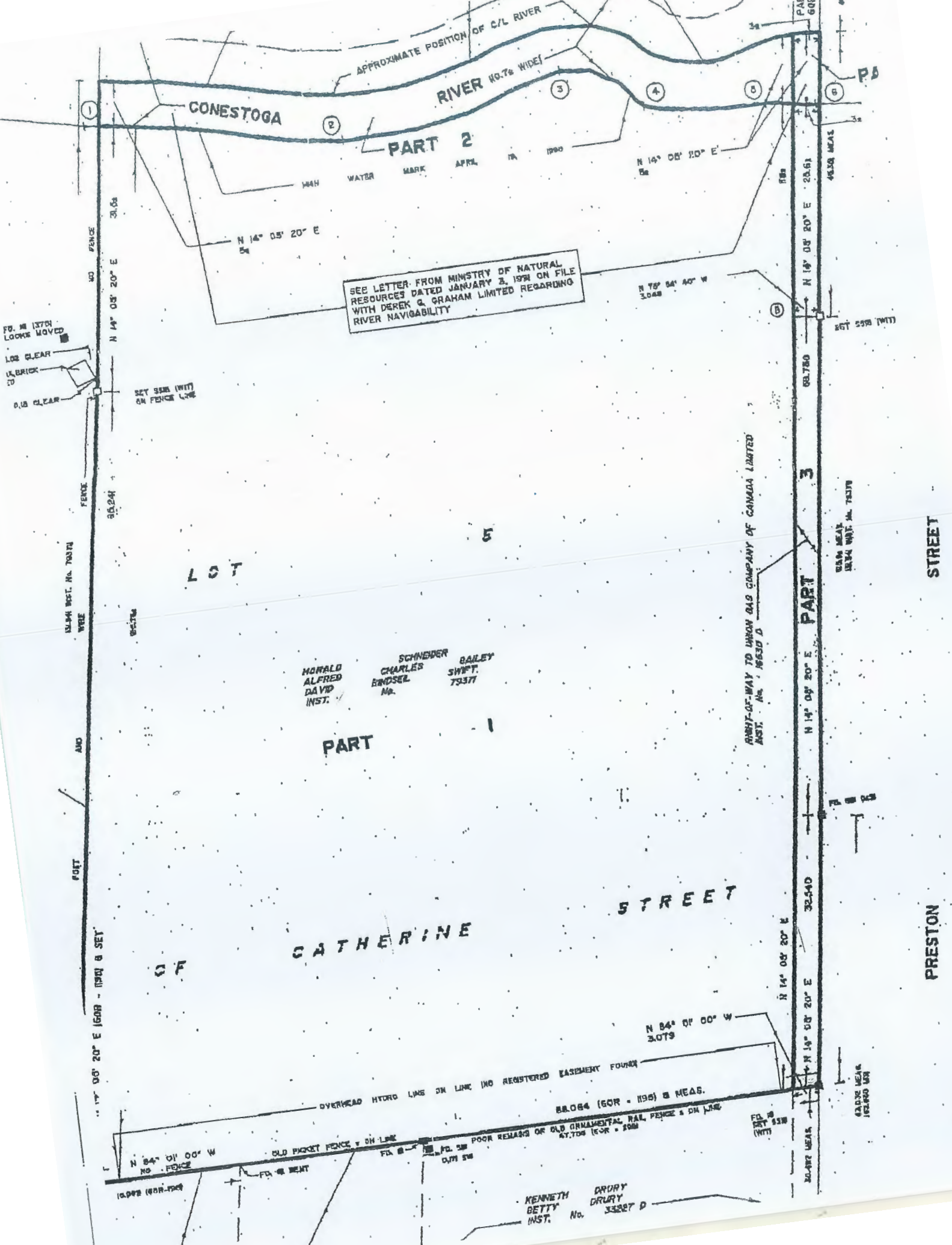
PART 2
 60R - 1895

SURVEY

WIDENED LIMIT BY INST. No. 6996 E (P - 1968 - 20)
 ORIGINAL LIMIT OF ROAD ALLOWANCE

SEE HIGHWAY PLAN
 INST. No. 214 - 6447
 (P - 1948 - 2)

KING'S HIGHWAY No. 9
 DISTANCE BETWEEN TOWNSHIPS OF ARTHUR AND PEEL
 (BY CROWN SURVEY OF VILLAGE OF ARTHUR)
 D/L CONSTRUCTION



SEE LETTER FROM MINISTRY OF NATURAL RESOURCES DATED JANUARY 2, 1974 ON FILE WITH DEREK G. GRAHAM LIMITED REGARDING RIVER NAVIGABILITY

FD. # 13751
LOOKS MOVED
1.02 CLEAR
ULBRICK
FD
0.18 CLEAR

SET 538 (WIT)
ON FENCE LINE

LOT

HOWARD ALFRED DAVID INST.
SCHNEIDER CHARLES BRINDEL No.
BAILEY SWIFT 75377

PART 1

RIGHT-OF-WAY TO UNION GAS COMPANY OF CANADA LIMITED
INST. No. 16630 D

SET 538 (WIT)
ULBRICK

STREET

PART 3

CATHERINE STREET

PRESTON STREET

11° 08' 20" E (GOR - 1901) & SET

N 84° 01' 00" W
NO FENCE
15.028 (GOR - 1908)

OVERHEAD HYDRO LINE OR LINE WHO REGISTERED EASEMENT FOUR

8.064 (GOR - 1906) & MEAS.
47.708 (GOR - 1908)

N 84° 01' 00" W
3.079

FD. # 3322 D

KENNETH BETTY INST. No. 3322 D
DRURY DRURY 3322 D

FD. # 3322 D (WIT)

CADRE MEAS
18.000 W

N 14° 08' 20" E
33.540
N 14° 08' 20" E
63.750
N 14° 08' 20" E
23.61
48.300 MEAS
80.472 MEAS

N 14° 08' 20" E
30.62
35.241
FENCE
15.541 INST. No. 7037H WIRE

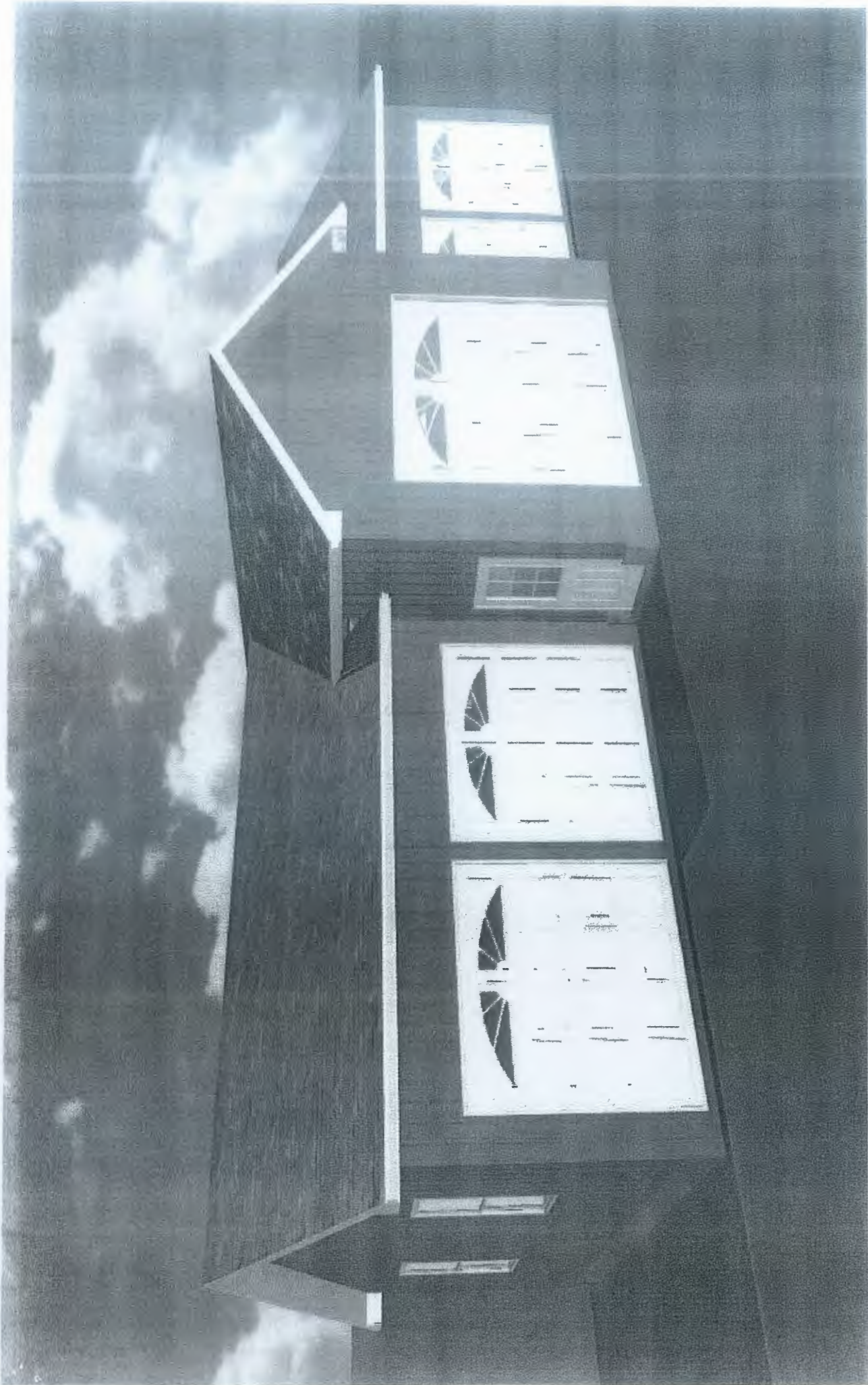
N 14° 08' 20" E
30.62
35.241
FENCE
15.541 INST. No. 7037H WIRE

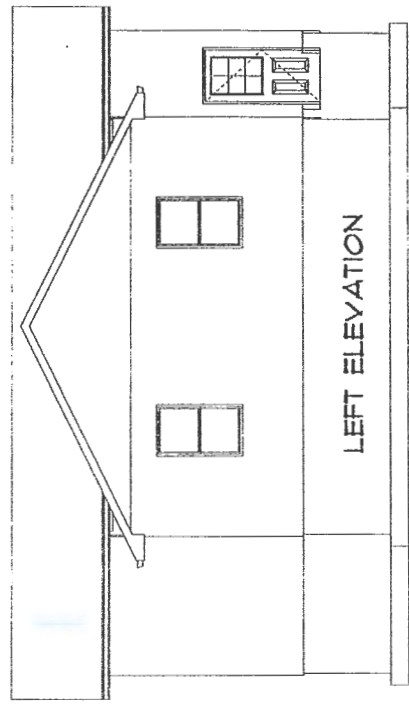
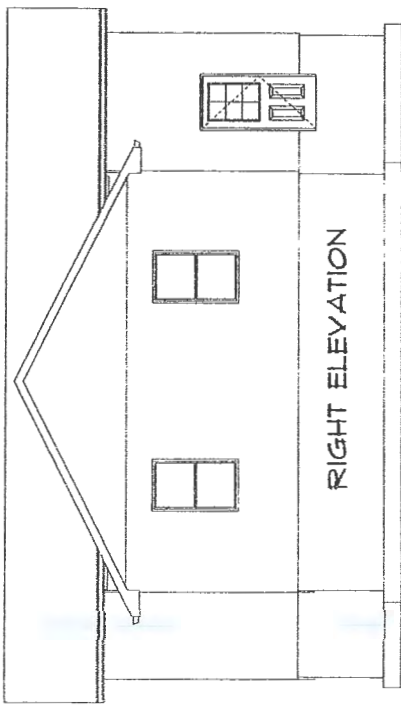
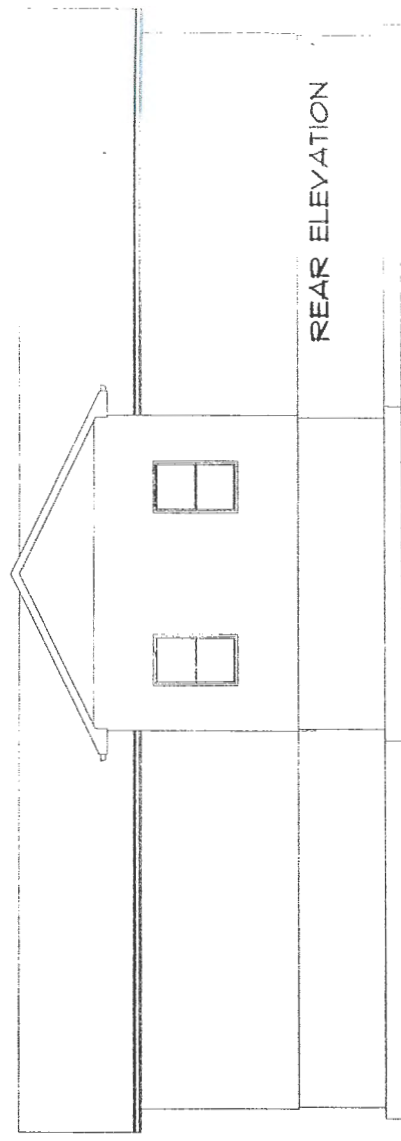
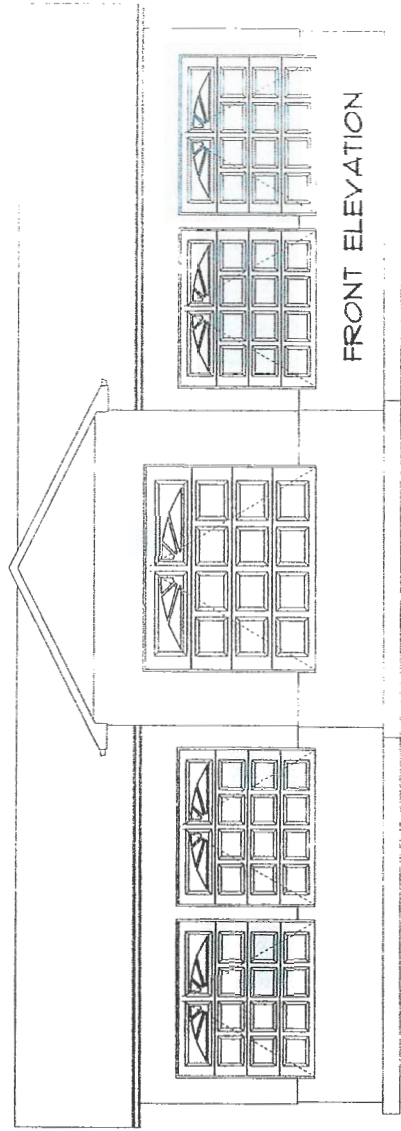
APPROXIMATE POSITION OF C/L RIVER
CONESTOGA RIVER 16.76 WIDE

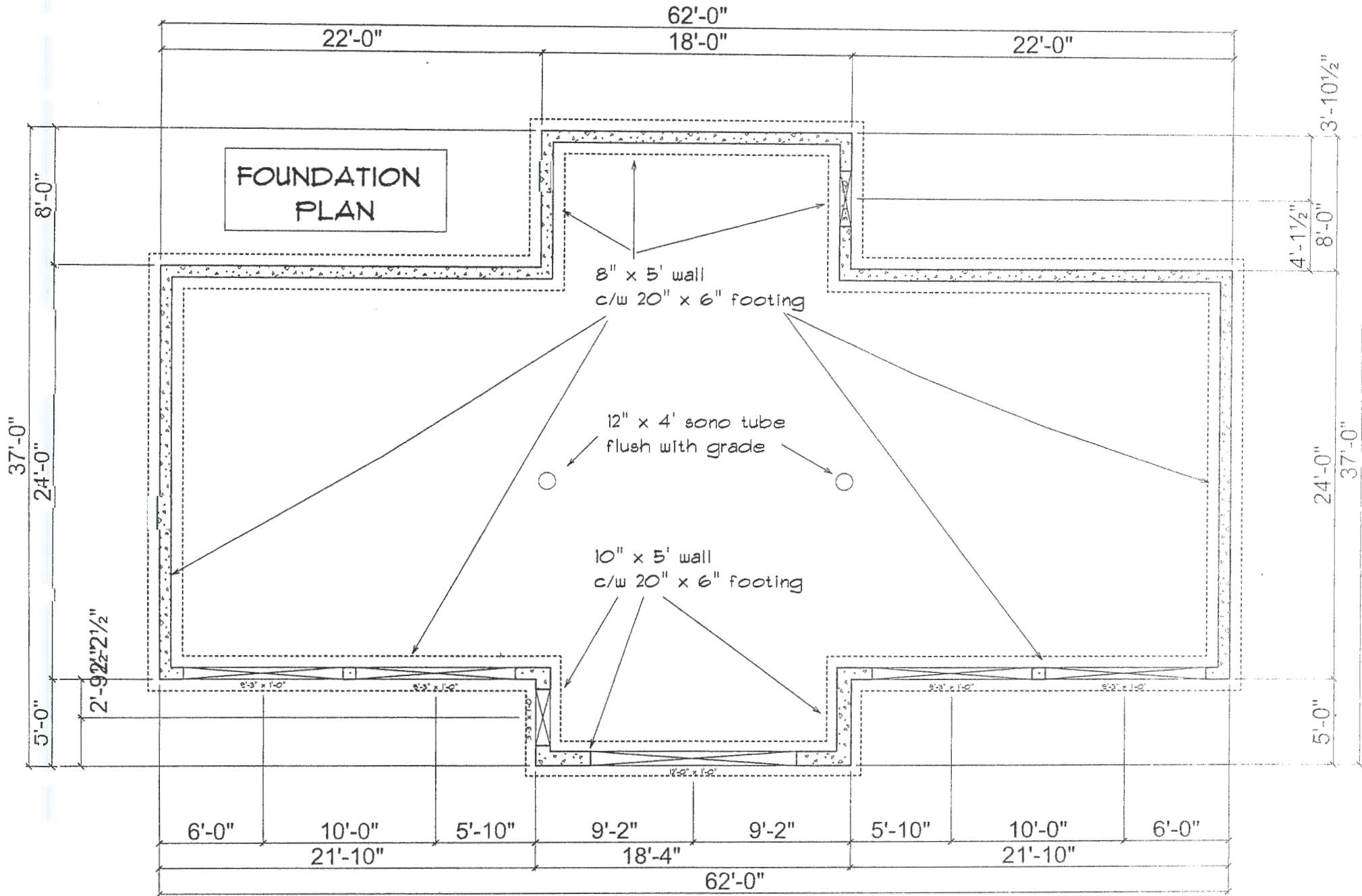
N 14° 08' 20" E
54

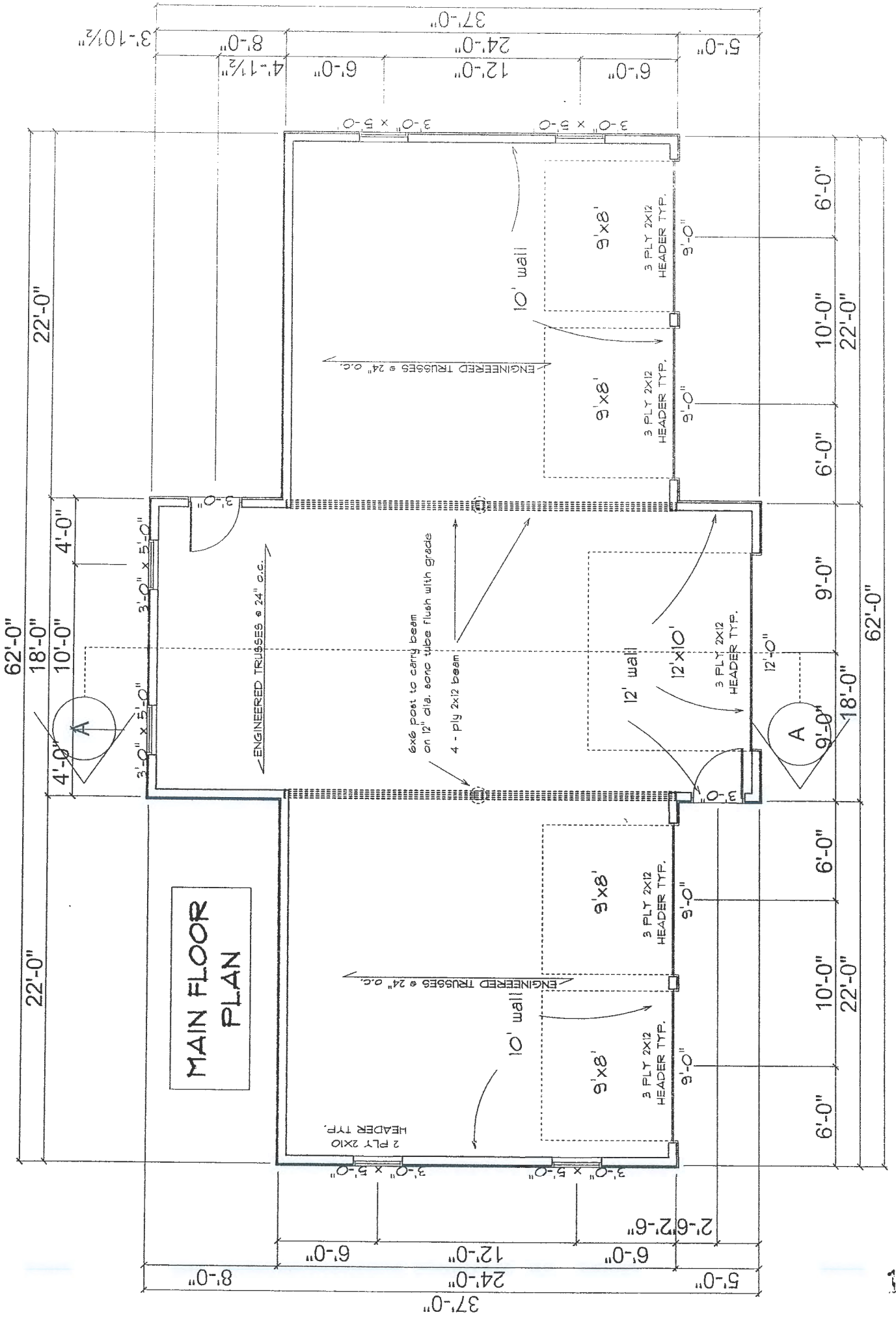
N 14° 08' 20" E
54

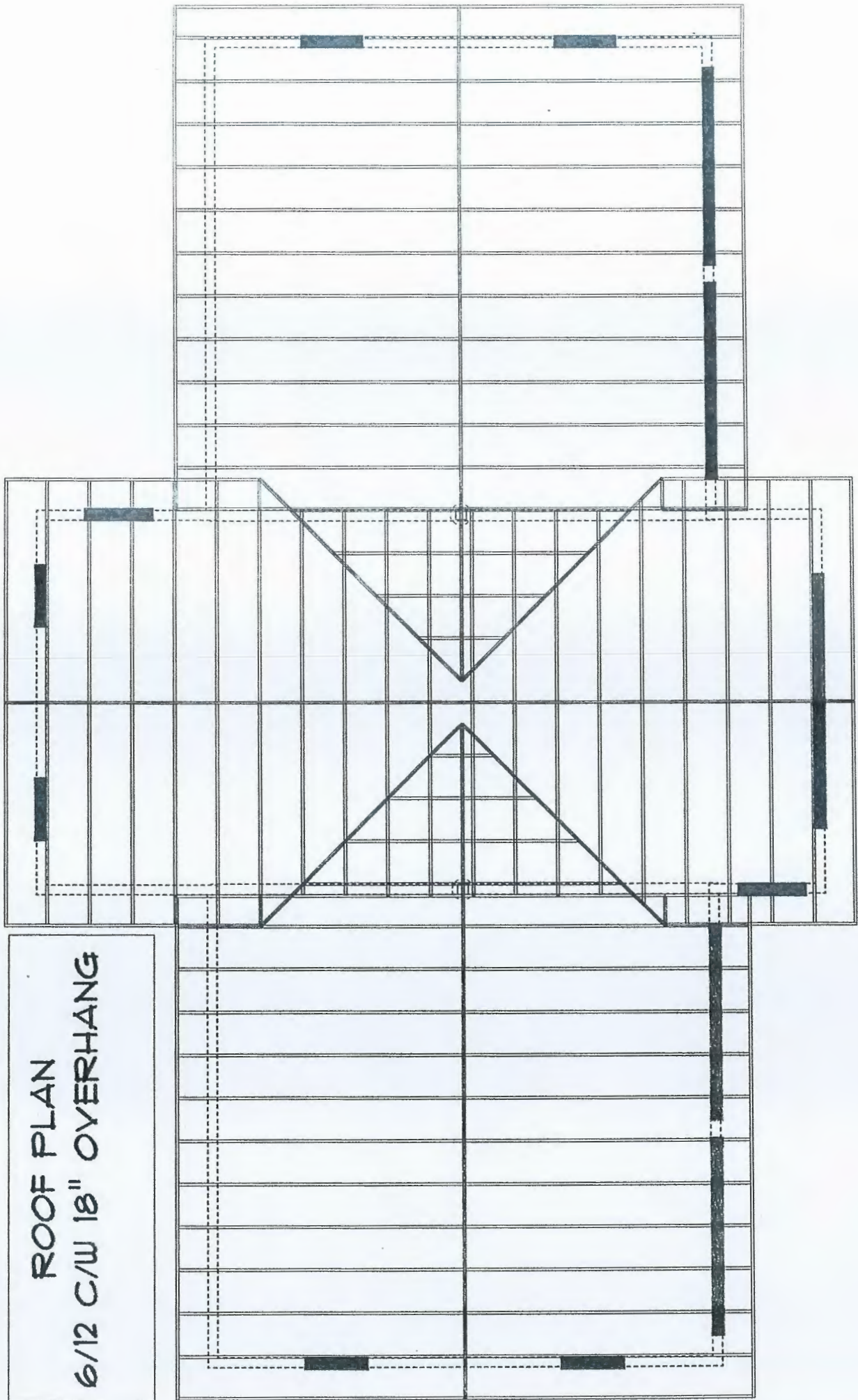
N 75° 04' 40" W
3.048









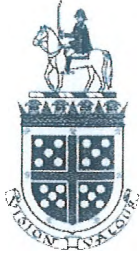


ROOF PLAN
6/12 C/W 18" OVERHANG



CROSS SECTION - A

2'-0" 10'-0" 5'-0" 8"



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

October 4, 2012

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 A4/12**
Pt Lot 5, 7902 Wellington Road 109
Oversized Accessory Building - Ronald & Deborah Detoro

We have reviewed the application for minor variance and provide the following comments. Please be aware that a site visit was not made.

Planning Opinion:

Given the size of the subject property and the setback from the neighbour to the south, the impact of the relief requested appears to be minor in nature, however, the Committee should be satisfied that the accessory building is intended for personal use and not for commercial purposes.

Wellington County Official Plan: The subject property is designated mainly Core Greenland with a small amount of Future Development. 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 Residential Holding (R3-H). The property is currently occupied by a residence. The applicants are proposing to construct a accessory building that will be 163.5 sq.m.(1,760 sq.ft.) in size. The application states that the proposed shed is to be used for the storage of antique automobiles, boats, snowmobiles and automobile hobby. I am assuming this latter use is a personal shop for personal hobby. The following relief from the Zoning By-law is required:

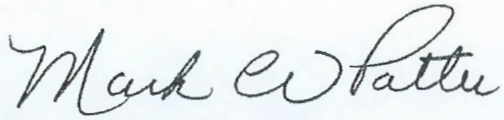
1. A total floor area of 163.5 sq. m (1,760 sq.ft.) whereas section 6.1.4 ii) of the by-law allows a maximum floor area of 92.9 m2 (1000 sq.ft.) for all accessory structures.

Section 5.3 of the by-law defines "accessory" as "a use, building or structure which is incidental, subordinate, and exclusively devoted to the main use, building or structure located on the same lot and in the same zone as such use, building or structure and which is not used or intended for use as human habitation unless permitted by the provisions of certain zones of this By-law The intent of an accessory structure is one which is clearly secondary and devoted to the main permitted use and should not be used for gain or profit or for human habitation.

The impact on the immediate area of this property appears to be minimal. The property is approximately 3.48 acres in size and will be setback 76 feet from the rear property line of the lot to the south.

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

Sincerely,

A handwritten signature in black ink that reads "Mark Van Patter". The signature is written in a cursive style with a large, looped initial "M".

Mark Van Patter, RPP
Senior Planner