



Township of Wellington North

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

COMMITTEE OF ADJUSTMENT

Monday, October 17th, 2011 – 7:15 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

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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, A5/11 (attached)	01
<p><u>APPLICATION A6/11</u></p>	
<p>Applicant: Benjamin Dingwall</p>	
<p>THE LOCATION OF THE SUBJECT PROPERTY is described as Part of Lot 13, with a civic address of 294 Wellington Street East, Mount Forest. The property is approximately 1002 sq.m (10,790 sq.ft.) in size and has frontage on Egremont and Wellington Streets. 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 the required front yard setback. The applicant has recently constructed a semi-detached dwelling and has a front yard deficiency of 0.09 m. The property is located in a Residential (R2) zone. Other variances may be considered where deemed appropriate.</p>	07
<ol style="list-style-type: none">4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on October 5th, 2011 as well as posted on the property.5. Application for a Minor Variance	08

AGENDA ITEM	PAGE NO.
6. Township Planner – Mark Van Patter will review the County comments (attached).	11
7. Correspondence/Comments received: <ul style="list-style-type: none">- Erik Downing, Environmental Planning Coordinator (Acting)- No objection 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: <ul style="list-style-type: none">- Comments and questions	12
9. Adjournment.	

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APPLICATION A5/11

Applicant: Noah Martin and Verna Martin

THE LOCATION OF THE SUBJECT PROPERTY is described as Part of Lot 18, Concession 10, RP 61R9990; Part 1, with a civic address of 7044 Sideroad 7 West. The property is approximately 1.86 hectares (4.59 Acres) in size and occupied by a residential dwelling.

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 Agricultural (A) 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 within 120 metres and required agencies on August 30, 2011 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed her comments dated September 6, 2011.

The variance requested would provide relief from the maximum floor area requirement for a detached accessory structure on a residential lot. The applicants are proposing to construct a 371.6 sq m (4000 sq ft) accessory structure whereas 92.9 sq m (1000 sq ft) would normally be the maximum. The applicants have stated that they intend to use a portion of the building as a garage and personal storage and the remainder to store excavating equipment.

The Planning Department had concerns with the size and scale of the proposed structure. In addition we have concerns with the use of the building. The Committee should be satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and would be desirable and appropriate for the development of the subject property. Approval of this variance should be conditional that the proposed use of the structure will be for personal storage only and not for commercial or residential purposes except as permitted and regulated under the home industry criteria as outlined in section 6.14.

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Under the Wellington County Official Plan the subject property is designated Prime Agricultural and Core Greenlands. 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 should 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 Agricultural (A) and Natural Environment (NE). The applicants are proposing to construct a 371.6 sq.m (4000 sq.ft.) accessory structure in order to store personal vehicles, lawn and garden equipment as well as excavation equipment. The zoning by-law limits the size of all accessory structures on residential properties. As such, the following relief is required:

1. To allow a combined area of 371.6 m² (4000 sq.ft) for an accessory structure, whereas the by-law allows a maximum 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.

This application is for a minor variance to allow an oversized accessory structure. The reason stated for the large size is to accommodate excavation equipment storage. At this time staff was unaware of the nature of this business with respect to size and scale. The current zoning by-law does not permit an excavating or contractors yard within the Agricultural zone if this is in fact the use of the building. The Provincial Policy Statement (PPS) and Wellington County Official Plan provide policy direction related to permitted uses within PRIME AGRICULTURAL areas which include agricultural uses, secondary uses (home industries and home occupations) and agriculture-related uses. Home Industries are one type of Home Business which may be permitted “*as a means of supplementing farm incomes and providing services in agricultural areas.*” Home Industries are also expected to be small in scale with a limited number of employees, and minimal off-site impacts. Examples include minor equipment repair, woodworking, crafts, and welding.

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The Official Plan and the Provincial Policy Statement directs most industrial and commercial uses to Hamlets or Urban Centres. The Agriculture First policy of Section 6.4.2 states that “*As a general rule, land use activities that support agriculture will be encouraged and land use activities that do not support agriculture will be discouraged*”.

The Wellington North Zoning By-law permits certain home industries which are defined as *a small scale occupation or business conducted for gain or profit as a secondary use to the main permitted use*. An excavation storage/yard would require a zone amendment in order to locate on this property as a home industry. The criteria under section 6.14 (Figure 1) would be used to determine whether or not the use could meet the size and scale as outlined within this.

Figure 1 - 6.14 HOME INDUSTRY REGULATIONS

Home industries, where listed as a permitted use, are subject to the following regulations:

- a) It is secondary to the main use on the lot and does not create a traffic hazard or nuisance;
- b) It may include such uses as a carpentry shop, a welding shop, a machine shop, furniture fabrication, assembly and repair; a tool and repair shop, and a small engine repair shop but shall not include autobody repairs or automobile sales, service and repair; automotive washing establishment, the sale of gas, or a wrecking yard;
- c) There is no outside storage of materials, containers, or finished products;
- d) The maximum square footage of any or all buildings or structures or part of a building or structure used for a home industry shall not exceed 185.5 m² (2,000.0 ft²) of ground floor area;
- e) At no time may any home industry employ on-site more than two people who do not reside on the lot on which such home industry is conducted;
- f) There shall be no advertising other than a non-illuminating sign, which has a maximum size of one m² (10.8 ft²);
- g) No building or structure used for a home industry shall be located within 22.8 m (74.8 ft) of a lot line, nor within 121.9 m (400.0 ft) of a lot line of a vacant lot (less than 4.1 ha (10 ac) in size) or within 121.9 m (400.0 ft) of a residence on a separate lot.

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6. Correspondence/Comments received:

- Maitland Valley Conservation Authority
- no objection subject to conditions

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.

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

Earl Bennett, 7038 Sideroad 7 West, stated that he has concerns with the future use of the property. His concern is that when Mr. Martin sells the property how can a future owner be prevented from operating a business, such as equipment repair. He was not concerned with the building being used for storage as long as there is something indicating it can only be used for storage.

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 confirmed that the requested variance is for the size of the structure and that an additional variance would be required if the applicant wished to build in the NE Zone.

Councillor Yake indicated that the proposed building seemed excessive in size for personal storage and questioned if the excavation equipment is part of a home business or small business.

Ms. Redmond informed the Committee that her comments are based on the information in the application. There is no indication if there is a business.

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Councillor Goetz questioned how a small property can have an agricultural zoning.

Ms. Redmond explained that instead of a Rural Residential zoning it was given a Reduced Agricultural zoning because of its size.

Mayor Tout agreed with the concerns raised regarding use of the building and future use. Mayor Tout questioned if the storage is for commercial business and not personal use.

Mr. Martin explained that part of the reason for requesting a 4,000 sq. ft. building was to make sure it is big enough as he did not want to have to go through this process again. He owns excavation equipment and is a licensed septic installer. He wants a shed big enough to store materials inside and keep the property tidy. The use of the shed would probably be half personal and half business.

Ms. Redmond stated that the installation of septic is a service required in a rural and agricultural area. Such businesses are sometimes allowed in rural areas. She requested time to review the application with Mr. Martin to determine if his proposal will require a zone amendment.

Moved by: Councillor Goetz

Seconded by: Councillor Burke

THAT the minor variance applied for in Application A5/11 be deferred.

Resolution No. 2

Carried

8. Adjournment (7:18 p.m.)

Moved by: Councillor Lennox

Seconded by: Councillor Yake

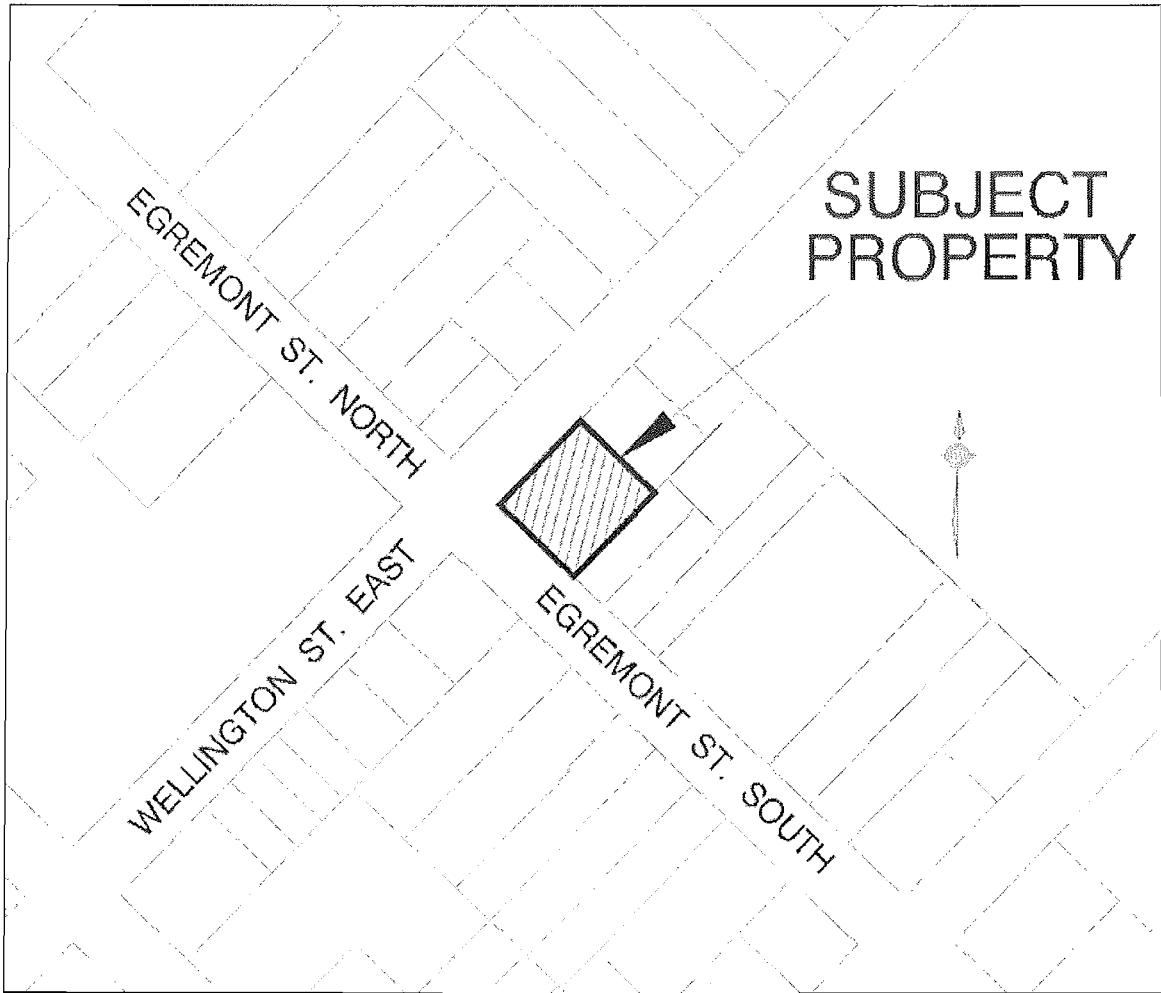
That the Committee of Adjustment meeting of September 12, 2011 be adjourned.

Resolution No. 3

Carried

Secretary Treasurer

Chairman





TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: Sept 23, 2011

File Number: A 6111

Roll # 23-49-000-002-06000-0000

Date Application Filed: Sept 23, 2011

Application Fee Received: \$ 750.00

A. GENERAL INFORMATION

1.* APPLICANT INFORMATION

a)* Registered Owner's Name(s): BEN DINGWALL

Address: 294 WELLINGTON ST. E MT. FOREST ON NAGOLE

Phone: Home (519) 323-6993 Work (519) 323-4778 Fax (519) 323-2564

Email:

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

b)* Applicant (Agent) Name(s): BILL DINGWALL

Address: 85 Uncle Tom's Crescent Box 836

Phone: Home (519) 323-4083 Work (519) 323-4778 Fax (519) 323-2564

Email: dingwallelect@wightman.ca

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

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

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

Measurements are in: Metric [] Imperial [x] units

Municipal Address: 294 & 296 WELLINGTON ST. E (104 E. GERRARD ST. E)

Concession: Lot: 13 Registered Plan No.: R6770785

Area: 106.55⁵⁷ Depth: 93.06 Frontage (Width): 114.5 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 []

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)	Residential		b) Main Building Height	19'	
c) % Lot Coverage	35.7%		d) # of Parking Spaces	4	
e) # of Loading Space(s)			f) Number of Floors	1	
g) Total Floor Area (exclude basement)	2776	<input checked="" type="checkbox"/>	h) Ground Floor Area	3814	<input checked="" type="checkbox"/>

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	5.67	5.68	b) Side Yards	7.62	5.86
c) Rear Yard	5.72	5.67			

13.* DATE OF ACQUISITION OF SUBJECT PROPERTY: APRIL 29/11

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: MAY 3 2011

14. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY? 3 MONTHS

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:
A1/11 Front + Rear Set Back changed from 7.6 to 5.76 at front + 7.6m to 5.4m for rear

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 [<input checked="" type="checkbox"/>]	No []

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

File No. of Application: A1/11

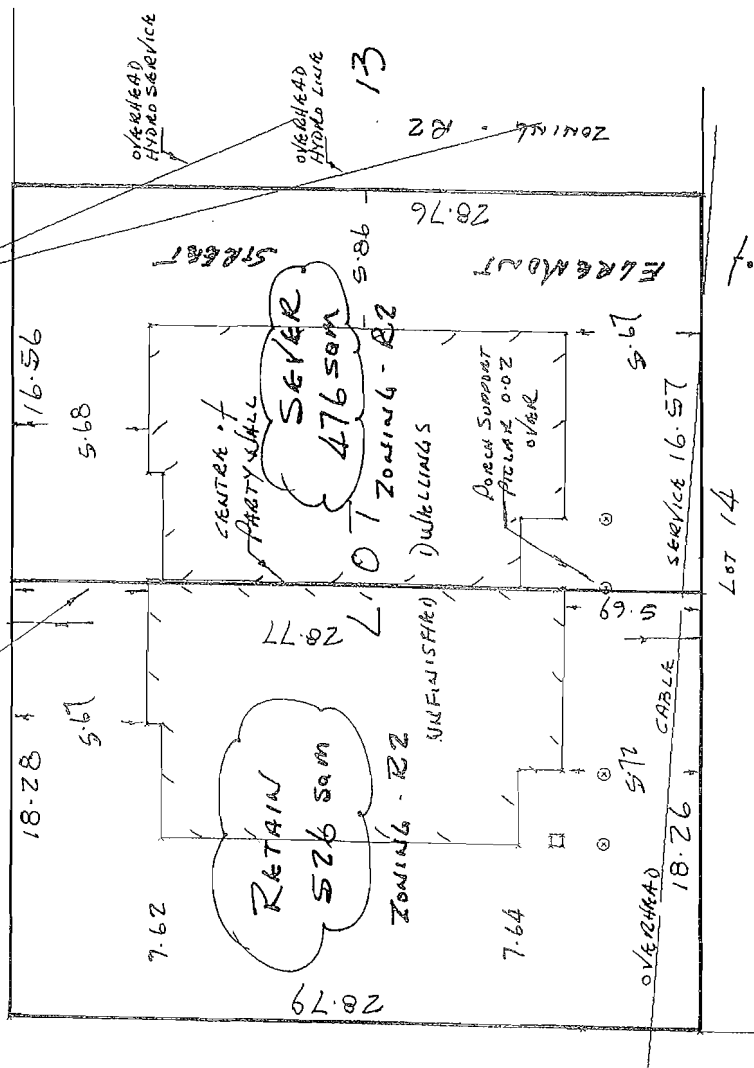
Purpose of Application: Relief from required rear + front + side yard setback

Status of Application: Consent given MAY 3/11

SEPARATE SKETCH IN THE
 (TOWNSHIP OF MOUNT FOREST)
 TOWNSHIP OF WASHINGTON NORTH
 1:250

WELLINGTON STREET

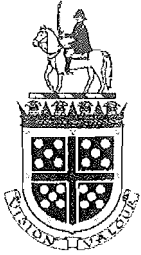
5.67
 (5.76 DYNAMIC VARIANCE)



MOUNT FOREST STREET

EAST

JULY 11
 8143
 Alex R. Wilson
 SUEBANS INC.
 MOUNT FOREST
 S19 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

October 11, 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 A6/11**
Part of Lot 13
104 Egremont Street, Mount Forest
Dingwall

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

Planning Opinion: The variances requested would provide relief from section 12.2.2.5 of the Zoning By-law to allow a reduced front yard of a semi detached dwelling.

We have no concerns with the relief requested at this time. 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 in the Mount Forest Urban area. 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.

Wellington North Zoning By-law: The subject lands are zoned Residential (R2). The applicants have demolished the existing dwelling and constructed a new semi-detached bungalow (2 units) on the subject lands. Prior to the construction of the semi-detached dwelling the property received two variances to allow a reduced rear yard and front yard setback. The applicants are requesting a further reduction in the front yard setback to allow a **front yard setback of 5.67m (18.6 ft), whereas 5.76m (18.9 ft) is required (variance A1/11), a difference of 0.09 m.**

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



1078 Bruce Rd. 12,
P.O. Box 150
Formosa ON
Canada N0G 1W0

Tel 519-367-3040
Fax 519-367-3041
publicinfo@svca.on.ca
www.svca.on.ca

October 12, 2011

RECEIVED

OCT 12 2011

TWP. OF WELLINGTON NORTH

Township of Wellington North
7490 Sideroad 7, W
Kenilworth, ON
N0G 2E0

ATTENTION: Darren Jones, Building/Zoning Dept.

Dear Mr. Jones:

RE: Proposed Minor Variance A6/11
Part Lot 13, 294 Wellington Street East
Geographic Town of Mount Forest
Town of Wellington North

The Saugeen Valley Conservation Authority (SVCA) has reviewed this proposed minor variance in accordance with the SVCA's mandate and policies and the Memorandum of Agreement between the Authority and the County of Wellington with respect to Plan Review. The SVCA has no objection to the approval of this proposed minor variance.

There are no significant natural heritage features or natural hazards affecting the property.

All of the plan review functions listed in the agreement have been assessed with respect to this proposed minor variance, the Authority is of the opinion that the proposed minor variance appears to comply with the relevant policies of the Wellington Official Plan and Provincial Policies referred to in the agreement.

We trust this information is helpful. Should questions arise, please do not hesitate to contact this office.

Yours Sincerely,

Erik Downing
Environmental Planning Coordinator (Acting)

ED/

cc: Mark Mackenzie, SVCA Director, via email

Conservation
Through
Cooperation

A MEMBER OF



Conservation
ONTARIO
OF THE PROVINCE