

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A3/13 and A6/13**

The Committee of Adjustment met on Monday, November 18, 2013 at the Kenilworth Municipal Office, at 7:00 p.m.

**Members Present:**

**Chairman: Raymond Tout  
Sherry Burke  
Mark Goetz  
Andy Lennox**

**Absent:**

**Dan Yake**

**Also Present:**

**Secretary-Treasurer, Catherine More  
Chief Administrative Officer, Mike Givens  
Executive Assistant, Cathy Conrad**

**Absent:**

**Township Planner, Linda Redmond**

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

Councillor Burke declared a conflict of interest with Application A3/13 as Mr. and Mrs. Bowden are relatives.

3. Minutes

**Moved by: Lennox**

**Seconded by: Goetz**

***THAT the Committee of Adjustment meeting minutes of September 9, 2013 – A5/13 be adopted as presented.***

**Resolution No. 1**

**Carried**

The public meeting was held to consider Minor Variance Applications A3/13 and A6/13 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

# **TOWNSHIP OF WELLINGTON NORTH**

## **COMMITTEE OF ADJUSTMENT**

### **A3/13 and A6/13**

#### **Page Two**

#### **APPLICATION A3/13**

Councillor Burke left the Council Chambers for this portion of the meeting as she had previously declared pecuniary interest as Mr. Bowden is relative.

**Owners/Applicant: James Bowden and Donna Bowden**

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Part Lot 16 & 17, Plan Town of Mount Forest. The property is Municipal known as 155 - 165 Fergus Street S and 187 King Street East.

**THE PURPOSE AND EFFECT OF THE APPLICATION** is to provide relief from the minimum lot area, lot frontage, rear yard setback, side yard setback, parking area setback and parking access width within the Mixed Use Zone (MU1). The applicant is proposing to construct 2 four unit townhouse buildings on the subject lands. The townhouse buildings will be located to the rear of the existing dwellings and access to the units will be via King Street. The variances will facilitate this development and satisfy conditions of severance application. Other variances dealing with the proposed development may be considered as required.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on October 24, 2013 as well as posted on the property.
5. Mayor Tout reviewed comments dated November 13, 2013 provided by Linda Redmond, Township Planner.

The variances requested would satisfy the conditions of provisional approval for consent application B77/13 and facilitate the development of the lands for an eight unit townhouse development. We have no concerns with the relief requested conditional on the variances applying to the development of the lands for the proposed townhouse project as site plan approved. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law and is minor, desirable and appropriate for the development of the subject property.

# **TOWNSHIP OF WELLINGTON NORTH**

## **COMMITTEE OF ADJUSTMENT**

### **A3/13 and A6/13**

#### **Page Three**

The subject lands originally existed as three separate properties. Consent applications B75-77/13 reconfigured and reassembled the lands and the new lot configuration was shown on the aerial map attached to the comments. The properties located at 155 & 165 Fergus Street were also severed into two lots (original configuration) as part of this overall proposal and require variances for frontage, area and side yard. This variance application is the final step in this development process and would facilitate the completion of the project.

Under the Wellington County Official Plan the subject property is designated RESIDENTIAL TRANSITION AREA within the Mount Forest URBAN CENTRE. 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 Mixed Use 1 (MU1). There is a proposal on the subject lands to develop an eight unit bungalow townhouse development. The following variances are required to facilitate this development:

1. Minimum interior side yard setback of 4.57 m (15 ft.) whereas 6 m (19.7 ft) is required.
2. Minimum rear yard setback of 6.88 m (22.6 ft), whereas 7.58 m (24.9 ft) is required.
3. Lot area of 2368 sq.m. (0.5 ac.), whereas 2252.7 sq.m. (0.6 ac.) is required.
4. Frontage on King Street of 17.9 m (58.9 ft.), whereas 20 m (66 ft.) is required.
5. Setback from King Street for parking of 3.9 m (13 ft.), whereas 7.5 m (24.9 ft.) is required.
6. Access drive width of 3.65 m (12 ft.), whereas 6 m (20 ft.) is required.

The following variances are required for the dwelling located at 155 Fergus Street:

1. Minimum frontage of 14.4 m (47.2 ft.), whereas 15 m (49.2 ft.) is required.
2. Minimum lot area of 425.8 sq.m. (4583.5 sq.ft.), whereas 465 sq.m (5005.4 sq.ft.) is required.

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A3/13 and A6/13**

**Page Four**

The following variances are required for the dwelling located at 165 Fergus Street:

1. Minimum lot area of 446 sq.m. (4806 sq.ft.), whereas 465 sq.m (5005.4 sq.ft.) is required.
2. Minimum side yard setback of 0.79 m (2.59 ft.), whereas 1.8 m (5.9 ft.) is required.
3. Minimum rear yard setback of 7.11 m (23.3 ft.), whereas 7.6 m (24.9 ft.) is required.

6. Correspondence/Comments received:

- Jennifer Prenger, Environmental Planning Technician, SVCA
  - This application for minor variance is acceptable to the SVCA.

7. Questions/Comments

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

The applicants and their agent, Vas Farkavec, were present to answer questions regarding this 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**

**A3/13 and A6/13**

**Page Five**

**Moved by: Lennox**

**Seconded by: Goetz**

*THAT the minor variance applied for in Application A3/13 be authorized.*

**Resolution No. 2**

**Carried**

Councillor Burke returned to the Council Chambers following the passing of the resolution.

**APPLICATION A6/13**

**Applicant: KC Properties (GP) Ltd.**

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Part Lot 23, Concession 8. The property is Municipal known as 8773 Concession 9.

**THE PURPOSE AND EFFECT OF THE APPLICATION** is to provide relief to add a minor, accessory use within an Unserviced Residential Exception Zone (R1A-20). The applicant is proposing to provide a parking compound for the exclusive use of the residents to park their recreational and seasonal vehicles on site. The variance is required to provide clarification of this accessory use. Other variances dealing with the proposed development may be considered as required.

8. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on November 4, 2013 as well as posted on the property.
  
9. Mayor Tout reviewed comments dated November 13, 2013 provided by Linda Redmond, Township Planner.

The variance requested would provide relief to add a minor, accessory use within an Unserviced Residential Exception Zone (R1A-20). The applicant is proposing to construct a 1,500 m<sup>2</sup> (16,145 ft<sup>2</sup>) parking compound/area which will be enclosed by a chain link fence, to be used by the residents of Conestoga Estates for storage of recreational vehicles.

# **TOWNSHIP OF WELLINGTON NORTH**

## **COMMITTEE OF ADJUSTMENT**

### **A3/13 and A6/13**

#### **Page Six**

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 parking compound will be for personal storage and parking of the residents of this development only and not for commercial purposes.

Under the Wellington County Official Plan the subject property is within a special Policy area PA6-6 (Mobile Home Parks). 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 Unserviced Residential Exception zone (R1A-20). The applicant is proposing to construct a 1,500 m<sup>2</sup> (16,145 ft<sup>2</sup>) parking compound on the property. Under the provision for the Unserviced Residential Exception zone (R1A-20) a parking compound is not clearly defined as a permitted use. This variance would allow for the parking compound to be established as a minor “accessory” use, providing the residents only of Conestoga Estates an area which is secure to store their recreational and off- season vehicles. As such, the following relief is required:

1. To allow an accessory parking compound with an area of 1,500 m<sup>2</sup> (16,145 ft<sup>2</sup>) enclosed by a chain link fence, whereas the by-law does clearly define this an accessory parking compound as a permitted use. And that this parking area is to be used by the residents of Conestoga Estates only.

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 used for gain or profit or for human habitation.

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A3/13 and A6/13**

**Page Seven**

10. Correspondence/Comments received:

- None

11. Questions/Comments

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

Terry Cudney, Property Manager, KC Properties (GP) Ltd., was present to explain that this variance is requested so that tenants have a place to park their trailers. Although parking trailers on lots is not allowed under the park rules the tenants are currently being allowed to do so until there is a place to put them. This compound will be for tenant use only.

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

Councillor Lennox confirmed that this compound will be located in the north east corner of the park and asked if it is for seasonal use.

Mr. Cudney confirmed the location of the compound. It was originally going to be lots but the site plan was changed last year. Most people stay in the park year round. The compound will be for trailers only – camper trailers, utility trailers, and snowmobile and ATV trailers. Vehicles must be on a trailer to be allowed to park in the compound.

Mayor Tout asked if the trailers in the compound are owned by tenants of the park.

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A3/13 and A6/13**

**Page Eight**

Mr. Cudney confirmed that trailers must be owned by tenants. The tenants will have to pay to park their trailers. This is a convenience for tenants as trailers are not allowed on the lots in the park.

**Moved by: Burke**  
**Seconded by: Lennox**

*THAT the minor variance applied for in Application A6/13 be authorized.*

**Resolution No. 3**

**Carried**

12. Adjournment (7.20 p.m.)

**Moved by: Lennox**  
**Seconded by: Burke**

*That the Committee of Adjustment meeting of November 18, 2013 be adjourned.*

**Resolution No. 4**

**Carried**

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Secretary Treasurer

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Chairman