

Township of Wellington North

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

Committee of Adjustment

Monday, December 2nd, 2013 at 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

Page 1 of	<u>'2</u>
AGENDA ITEM	PAGE NO.
Chairman	
1. Officially open the public meeting.	
2. Declaration of Pecuniary Interest and General Nature Thereof.	
3. Minutes, A3/13 and A6/13 (attached)	1
APPLICATION A7/13	
Owners/Applicant: Harold and Bertha Martin	
THE LOCATION OF THE SUBJECT PROPERTY is described as South Part Lot 7, Concession 11, with a civic address of 9372 Concession 11 (Mt. Forest). The subject land is approximately 8.9 ha (22.21 acre) in size and is zoned Agricultural. The parcel is shown on the location map attached.	9
THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the maximum permitted lot coverage for accessory structures in an agricultural zone. The applicants are proposing to construct a second shed with a floor area of 2,880 ft². The applicant will be utilizing the shed for storage of machinery and the housing of a horse. Additional relief for minimum setback requirements may also be considered.	
4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on November 20th, 2013 as well as posted on the property.	
5. Application for a Minor Variance	10
6. Township Planner – Linda Redmond will review the County comments (attached).	16

December 2nd, 2013 at 7:00 p.m. Page 2 of	2
AGENDA ITEM	PAGE NO.
7. Correspondence/Comments received:	18
Jennifer Prenger, Environmental Planning Technician Saugeen Valley Conservation Authority - Application is acceptable	
8. Are there any persons present who wish to make oral and/or writte submissions in support of the proposed minor variance?	n
Are there any persons present who wish to make oral and/or writte submissions against this application?	n
Those wishing to be notified of decision please leave name and address wit secretary-treasurer.	h
Committee:	
- Comments and questions	
9. Adjournment	

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 <u>Carried</u>

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.

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.

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 where 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.

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

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 m² (16,145 ft²) 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.

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 m² (16,145 ft²) 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 m² (16,145 ft²) 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.

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.

COMMITTEE OF ADJUSTMENT

A3/13 and A6/13

Page Eight

12.

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

Adjournment (7.20 p.m.)

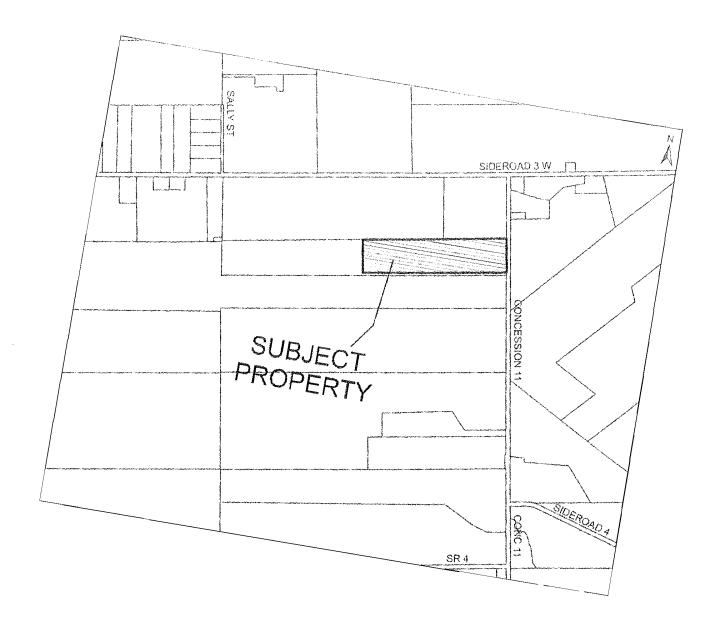
Moved by: Lennox
Seconded by: Burke

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

Secretary Treasurer Chairman

Resolution No. 4

Carried





APPLICATION FOR A MINOR VARIANCE

Date Received: <u>Acrember 7, 2013</u>
File Number: 4 7 /13 Poll # 23-49-000-009-14410-0008
File Number: A 7 //3 Roll # $\frac{23-49-000-009-14410-0003}{2}$ Date Application Filed: $1000000000000000000000000000000000000$
Date Application Filed: 100 ember 1/13 Application Fee Received: \$750.00
A. GENERAL INFORMATION
1.* APPLICANT INFORMATION a)* Registered Owner's Name(s): HAROLD MARTIN Address: 9372 Con. // RRS Mt Forest ON NOG 2 Phone: Hama (5/8) 227 251/1 Wart (5/8) 327 900/Feb.
Phone: Home (5 19) 323 254/ Work (519) 323 999/Fax
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: 9372 Con. 1/RR\$55 Mt. FORST ON NOG 2 LO
Concession: Con. / Lot: Southpart Lot. 7 Registered Plan No.: RP6/R////3
Area: 22,2 Depth:Frontage (Width): Width of Road Allowance (if known):

	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: Agricultural
	Zoning: Agricultural
<u>B. EX</u>	STING AND PROPOSED SERVICES
5.*	INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:
a) Exis	Municipal Private or Communal Private Other Water Municipal Communal Private Other Sewage Water Water Well Supply Sewers Sewers Septic Disposal sting* [] [] [] [] [] [] posed [] [] [] [] []
6.	IS STORM DRAINAGE PROVIDED BY: Sewers [] Ditches [4 Swales [] Other means []
7.	WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?
C. RE	ASON FOR APPLICATION
8.*	WHAT IS THE NATURE AND THE EXTENT OF THE RELIEF THAT IS BEING APPLIED FOR? (Please specifically indicate on sketch)
	To build 32' x 80' shed where as a 40' x 72' shed already existsst
9.*	WHY IS IT NOT POSSIBLE TO COMPLY WITH THE PROVISIONS OF THE BY-LAW? (Please specifically indicate on sketch)
	A place to keep my horse, and company horses firewood storage, a tractor, a few machines
D. EXI	ISTING SUBJECT AND ABUTTING PROPERTY LAND USES, BUILDINGS & THEIR LOCATIONS
10.*	WHAT IS THE "EXISTING" USE OF: a) THE SUBJECT PROPERTY? A a n'cultaral

P:\Committee of Adjustment\Minor Variance Application 2011.docx

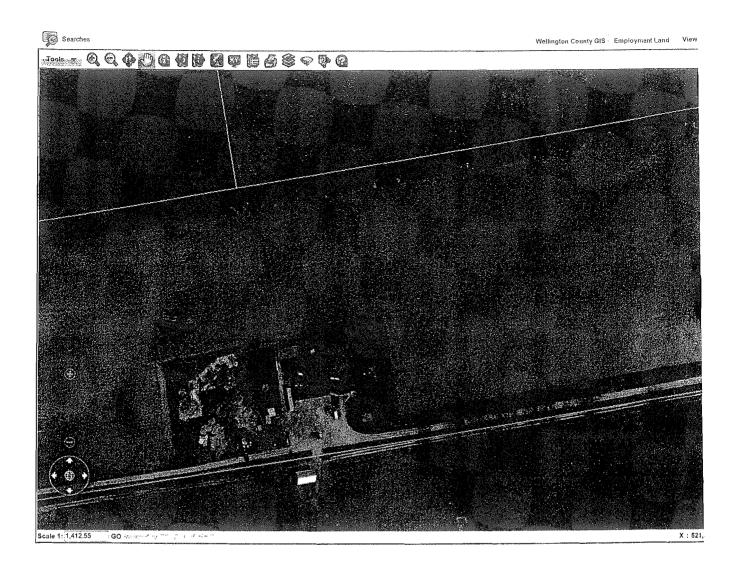
	b) THE ABUTTING PROPERTIES? Agr	icultural a	nd Gr	rovel fit
11.*	PROVIDE THE FOLLOWING DETAILS FOR A LAND: Measurements are in Metric [] Existing Proposed a) Type of Building(s) 5 + arage s + arage c) % Lot Coverage e) # of Loading Space(s) g) Total Floor Area 2880 5940 (exclude basement)	Image and all I limits		
12.*	WHAT IS THE LOCATION OF ALL BUILDIN PROPERTY (Specify distances from front, rear and Measurements are in: Metric [] Imperial [d side lot lines)	OPOSED FOR	THE SUBJECT
	Existing Proposed	<u>Existing</u>	Proposed	
	a) Front Yard b)	Side Yards		
	c) Rear Yard			
13.*	DATE OF ACQUISITION OF SUBJECT PROPE	RTY: Feb,	2012	
	DATE OF CONSTRUCTION OF ALL BUILDING	GS ON SUBJECT PROPER	TY:	90
14.	HOW LONG HAVE THE EXISTING USES CON	TINUED ON THE SUBJEC	CT PROPERTY	7?
15.*	HAS THE OWNER PREVIOUSLY APPLIED FO	R RELIEF IN RESPECT O	F THE SUBJE	CT PROPERTY
<u>F. OT</u> 16.*	HER RELATED PLANNING APPLICATIONS HAS THE APPLICANT/ OWNER MADE APP	LICATION FOR ANY OI	THE FOLLO	OWING ON THE
	SUBJECT LAND? Official Plan Amendment	Yes [No[4
	Zoning By-law Amendment Plan of Subdivision	Yes [Yes []	No[4 No[4 No[4 No[4
	Consent [Severance]	Yes [No[4
17.*	IF THE ANSWER TO QUESTION 15 IS YES, PL	LEASE PROVIDE THE FO	LLOWING IN	FORMATION:
	File No. of Application:			
	Purpose of Application:			
	Status of Application:			

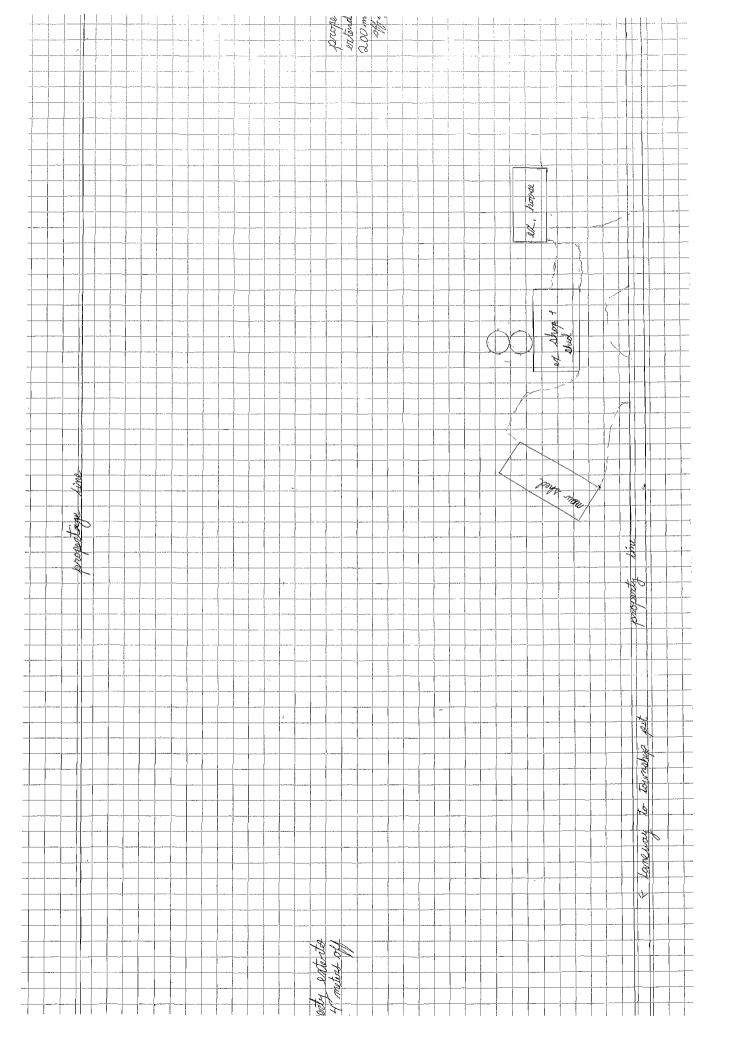
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of Wellington North in the County of
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MICHAEL J. GIVENS

TREASURER
OF THE CORPORATION OF THE
TOWNSHIP OF WELLINGTON NORTH
COMMISSIONER FOR TAKING AFFIBAVITS

OnPoint Map Viewer





COUNTY OF WELLINGTON



PLANNING AND DEVELOPMENT DEPARTMENT GARY A. COUSINS, M C.I P. DIRECTOR TEL: (519) 837-2600 FAX: (519) 823-1694 I-800-663-0750 ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

November 28, 2013

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

Dear Mr. Jones,

Re: Minor Variance Application A07/13 South Part lot 2, Concession 11

9372 Concession 11,

Harold Martin

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

Planning Opinion:

The variance requested would provide relief for a total lot coverage for accessory and hobby barn structures to be 505.3m² (5440 ft²), whereas the by-law permits a maximum lot coverage of 288m² (3100 ft²) for accessory structures and 213.8m² (2300 ft²) for a hobby barn, on a 8.9ha (22.21 ac) Agricultural parcel. The applicant is proposing to construct a second 237.8m² (2,560 ft²) shed, which will be used as a combined storage shed and horse barn. Given the multiple uses proposed for this structure we would request that the hobby barn portion of the structure be located in the northern half of the building so as to meet the required 22.8 m setback for a hobby barn from any lot line and to avoid further relief from the by-law.

We are satisfied that this 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 new shed will be for personal storage and the housing of a horse only and not for commercial purposes.

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.

Wellington North Zoning By-law: The subject lands are approximately 8.9 ha (22.21 ac) and are zoned Agricultural (A). The applicants are proposing to construct a second 237.8m² (2,560ft²) shed on the property, which will be used to house machinery and a horse. Section 6.4.1 ii) permits a maximum total lot coverage of 288m² (3100 ft²) for accessory structures on a lot this size. Additionally section 8.3.1 permits a 213.8m² (2300 ft²) hobby barn on a lot this size.

The total combined lot coverage of the proposed shed and the existing shed/hobby barn would be 505.3m² (5,440 ft²).

Further, the applicant is proposing to construct the new 237.8 m² (2,560 ft²) shed approximately 13 m away from the property line. The by-law requires a hobby barn to have a setback of 22.8m from a property line. Staff would recommend that the hobby barn portion of the structure be located in the northern half of the structure. This would avoid the need for relief from the by-law on this matter. As such, the following relief would be required:

1) That a total combined lot coverage for accessory buildings and hobby barn be 505.3 m² (5,440 ft²), whereas the by-law allows a total accessory building lot coverage of 288m² (3100 ft²).

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

Yours truly,

Jameson Pickard, BURPL.

Umeron Paland

Junior Planner



1078 Bruce Rd. 12, PO. Box 150 Formosa ON Canada NOG 1W0

Tel 519-367-3040 Fax 519-367-3041 publicinfo@svca.on.ca www.svca.on.ca SENT ELECTRONICALLY (djones@wellington-north.com)

November 28, 2013

Township of Wellington North Committee of Adjustment 7490 Sideroad 7 W Kenilworth, ON NOG 2E0

ATTENTION: Darren Jones, Building/Zoning Department

Dear Mr. Jones,

RE: Application for Minor Variance A7/13

South Part Lot 7, Concession 11

Municipally known as 9372 Concession 11, Mount Forest

Geographic Township of Arthur Township of Wellington North

The Saugeen Valley Conservation Authority (SVCA) has reviewed this application for minor variance in accordance with the SVCA's mandate and policies. The proposal is to provide relief from the maximum permitted lot coverage for accessory structures in an agricultural zone to facilitate the construction of a second, 2880 square foot shed. A recent site inspection by Authority staff has not been conducted. This application for minor variance is acceptable to the SVCA.

Site Description

The subject property is primarily open agricultural fields with a single detached dwelling and accessory buildings located centrally along the southerly lot line. There is a pond located in the southwesterly corner of the property.

Natural Heritage

The significant Natural Heritage feature affecting the subject property is the Area of Natural and Scientific Interest (ANSI) just southwest of the property. Provided the proposed shed is not located near this area, the SVCA is of the opinion that no Significant Natural Heritage will be impacted by this proposal.

SVCA Regulation

Please be advised that the property is not subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the Conservation Authorities Act, R.S.O, 1990, Chap. C. 27, as amended. As such, a permit from the SVCA will not be required for the proposed shed.



A MEMBER OF



A7/13 November 28, 2013 Page 2

Township of Wellington North Zoning By-Law No. 66-01, as amended

According to the SVCA's interpretation of the Township of Wellington North Zoning By-law No. 66-01, the subject property is not zoned Natural Environment (NE).

Conclusion

This application has been reviewed in accordance with the SVCA's mandate and policies. The SVCA is of the opinion that this application for minor variance appears to conform to the relevant policies of the Wellington County Official Plan and Provincial Policies. This application for minor variance is acceptable to the SVCA. We trust this information is helpful. Should any questions arise, please do not hesitate to contact this office.

Sincerely,

Jennifer Prenger

Environmental Planning Technician

· Renger

JP/

cc: Terry Fisk, SVCA Director (via email)