



# Township of Wellington North

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

## COMMITTEE OF ADJUSTMENT

Monday, December 12th, 2011 – 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

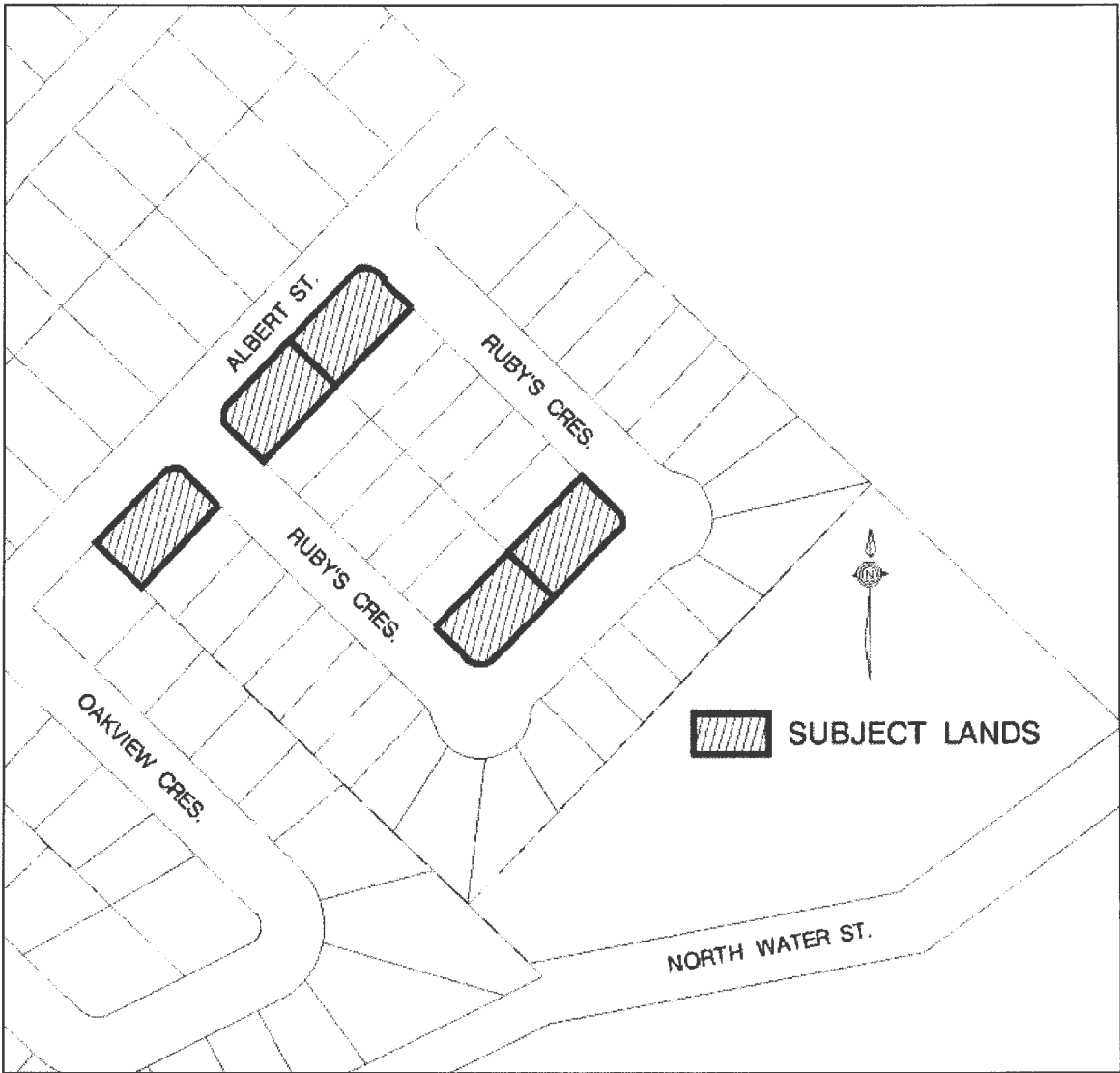
## A G E N D A

Page 1 of 2

AGENDA ITEM	PAGE NO.
<p><u>Chairman</u></p> <ol style="list-style-type: none"><li>1. Officially open the public meeting.</li><li>2. Declaration of Pecuniary Interest and General Nature Thereof.</li><li>3. Minutes, A7/11 (attached)</li></ol>	01
<p><b><u>APPLICATION A8/11</u></b></p>	
<p><b>Applicant: Reeves Construction Limited</b></p>	
<p>THE LOCATION OF THE SUBJECT PROPERTY is described as Lots 1, 24, 30, 31 &amp; 37, Registered Plan 61M171, Ruby's Crescent. The properties are currently vacant and proposed for residential dwellings. 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 exterior side yard setback from 7.6m to 6.1m. The subject lands are zoned residential. Other variances may be considered where deemed appropriate.</p>	
<ol style="list-style-type: none"><li>4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on November 30th, 2011 as well as posted on the property.</li></ol>	
<ol style="list-style-type: none"><li>5. Application for a Minor Variance</li></ol>	07

**Committee of Adjustment Agenda  
December 12th, 2011 – 7:00 p.m.**

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
6. Township Planner – Linda Redmond will review the County comments (attached).	12
7. Correspondence/Comments received:  - None	
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	



**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A7/11 and A5/11**

The Committee of Adjustment met on Monday, November 7, 2011 at the Kenilworth Municipal Office, at 7:15 p.m.

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

**Also Present: Alternate Secretary-Treasurer, Lorraine Heinbuch  
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 Burke  
Seconded by: Councillor Goetz**

***THAT the Committee of Adjustment meeting minutes of October 17, 2011 – A6/11 be adopted as presented.***

**Resolution No. 1**

**Carried**

The public meeting was held to consider Minor Variance Applications A7/11 and A5/11 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

# TOWNSHIP OF WELLINGTON NORTH

## COMMITTEE OF ADJUSTMENT

A7/11 and A5/11

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### APPLICATION A7/11

**Applicant: Michael Neal and Brenda Neal**

THE LOCATION OF THE SUBJECT PROPERTY is described as Part of Lot 32, Concession 4, with a civic address of 7429 Third Line. The property is approximately 2.4 hectares (6 Acres) in size and occupied by a residential dwelling and accessory structure.

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 Agricultural (A). Other variances may be considered where deemed appropriate.

4. The Secretary Treasurer confirmed that the notice was mailed to surrounding property owners and required agencies on October 27, 2011 as well as posted on the property.
5. Linda Redmond, Township Planner, reviewed her comments dated October 27, 2011.

The variance requested would provide relief from the maximum floor area requirement for a detached accessory structure on a rural residential lot. The applicant is proposing to construct a 204 sq.m (2200 sq.ft.) shed, whereas the by-law allows accessory buildings with a maximum coverage of 92.9 m<sup>2</sup> (1000 sq.ft). There is an existing shed on the property which is proposed to be removed.

Given the size of the subject property and neighbouring agricultural lots 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. Provided the Committee is satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law the planning department had no concerns with the proposed minor variance.

# TOWNSHIP OF WELLINGTON NORTH

## COMMITTEE OF ADJUSTMENT

A7/11 and A5/11

### Page Three

Under the Wellington County Official Plan the subject property is designated Prime Agricultural. Section 13.7 of the Wellington County Official Plan and 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). The property is currently occupied by a residence and a 162.5 sq.m. (1700 sq.ft.) shed. The applicants are proposing to remove the existing shed and construct a new one that will be 204 sq.m. (2200 sq.ft.) in size. The application states that the proposed shed is to be used for the storage of a trailer, tractor and wood. The following relief from the Zoning By-law is required:

1. A total floor area of 204 m<sup>2</sup> (2200 sq.ft.) whereas section 6.1.4 ii) of the by-law allows a maximum floor area of 92.9 m<sup>2</sup> (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 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 6 acres in size, is located in a rural area of the Township and is surrounded by larger farm parcels which are zoned agricultural.

### 6. Correspondence/Comments received:

- Liz Yerex, Grand River Conservation Authority
- no objection

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A7/11 and A5/11**

**Page Four**

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.

**Moved by: Councillor Burke**

**Seconded by: Councillor Goetz**

*THAT the minor variance applied for in Application A7/11 be authorized.*

**Resolution No. 2**

**Carried**

**DEFERRED 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.

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A7/11 and A5/11**

**Page Five**

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.

8. Request to withdraw application from Applicant.

**Moved by: Councillor Goetz**

**Seconded by: Councillor Burke**

**THAT the Committee of Adjustment receive the request to withdraw Application A5/11.**

**Resolution No. 3**

**Carried**

9. Adjournment (7:19 p.m.)

**Moved by: Councillor Goetz**

**Seconded by: Councillor Burke**

***That the Committee of Adjustment meeting of November 7, 2011 be adjourned.***

**Resolution No. 4**

**Carried**

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Alternate Secretary Treasurer

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Chairman





TOWNSHIP OF WELLINGTON NORTH

APPLICATION FOR A MINOR VARIANCE

Date Received: November 8, 2011

23-49-000-003-07901-0000 - Lot 01
23-49-000-003-07947-0000 - Lot 24
23-49-000-003-07959-0000 - Lot 30
23-49-000-003-07961-0000 - Lot 31
23-49-000-003-07973-0000 - Lot 37

File Number: A B 111

Roll #

Date Application Filed:

Application Fee Received: \$ 750.00

A. GENERAL INFORMATION

1.\* APPLICANT INFORMATION

a)\* Registered Owner's Name(s): REEVES CONSTRUCTION LIMITED

Address: Box 970 - 372 MAIN ST N NO 6260

Phone: Home ( ) Work (519) 323 1241 Fax 323-3023

Email:

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

b)\* Applicant (Agent) Name(s): SAME

Address:

Phone: Home ( ) Work ( ) Fax ( )

Email:

c)\* Name, Address, Phone No. of all persons having any mortgage charge or encumbrance on the property: NONE

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

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

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

Municipal Address: MOUNT FOREST

Concession: Lot: 1, 24, 30, 31, 37 Registered Plan No.: 61M171

Area: Depth: Frontage (Width): Width of Road Allowance (if known): 20.117

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 [ ]

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: RESIDENTIAL

Zoning: R2

**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*	[X]	[ ]	[ ]	[ ]	[X]	[ ]	[ ]	[ ]
b) Proposed	[X]	[ ]	[ ]	[ ]	[X]	[ ]	[ ]	[ ]

6. IS STORM DRAINAGE PROVIDED BY: Sewers [X] Ditches [ ] Swales [X] Other means [ ]

7. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY? RUBY'S CRESCENT

\_\_\_\_\_

**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)

TO REDUCE EXTERIOR SIDE YARD REQUIREMENTS ON 5 BUILDING LOTS TO 6M FROM 7.6M

\_\_\_\_\_

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

REDUCTION WILL ALLOW FOR BETTER RESIDENCE LAYOUT.

\_\_\_\_\_

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

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

a) THE SUBJECT PROPERTY? R2 - VACANT

b) THE ABUTTING PROPERTIES? Lot 2 - Res. Drivck  
Rest R2 - Vacant

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>N/A</u>	<u>Res. Drivck</u>	b) Main Building Height		
c) % Lot Coverage		<u>40% Max</u>	d) # of Parking Spaces		
e) # of Loading Space(s)	<u>N/A</u>	<u>None</u>	f) Number of Floors	<u>N/A</u>	
g) Total Floor Area (exclude basement)			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>7.6</u>	<u>7.6</u>	b) Side Yards		
c) Rear Yard	<u>1.2</u>	<u>1.2</u>	Interior	<u>1.2</u>	<u>1.2</u>
			Exterior	<u>7.6</u>	<u>6.1</u> *

13.\* DATE OF ACQUISITION OF SUBJECT PROPERTY: 2007

DATE OF CONSTRUCTION OF ALL BUILDINGS ON SUBJECT PROPERTY: As Development Proceeds

14. HOW LONG HAVE THE EXISTING USES CONTINUED ON THE SUBJECT PROPERTY? No Buildings on Lots

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	<u>PLAN 61M171</u>	Yes [ ]	No [ ]
Zoning By-law Amendment	<u>THESE LOTS ARE ON</u>	Yes [ ]	No [ ]
Plan of Subdivision	<u>THIS PLAN</u>	Yes [ ]	No [ ]
Consent [Severance]		Yes [ ]	No [ ]

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) REEVES CONSTRUCTION LTD of the TOWNSHIP of MT. FOREST,  
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 3th day of November, 2011.

Robert Reeves  
Signature of Owner or Authorized Solicitor or Authorized Agent

Nov 8/11  
Date

Catherine E. More  
Signature of Commissioner

Nov 8/11  
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:**

Thomas B. Jones  
Signature of Municipal Employee

Nov 8, 2011  
Date

SKETCH FOR  
 MINOR VARIANCE APPLICATION IN  
 PLAN 61M171  
 TOWNSHIP OF WELLINGTON NORTH  
 COUNTY OF WELLINGTON

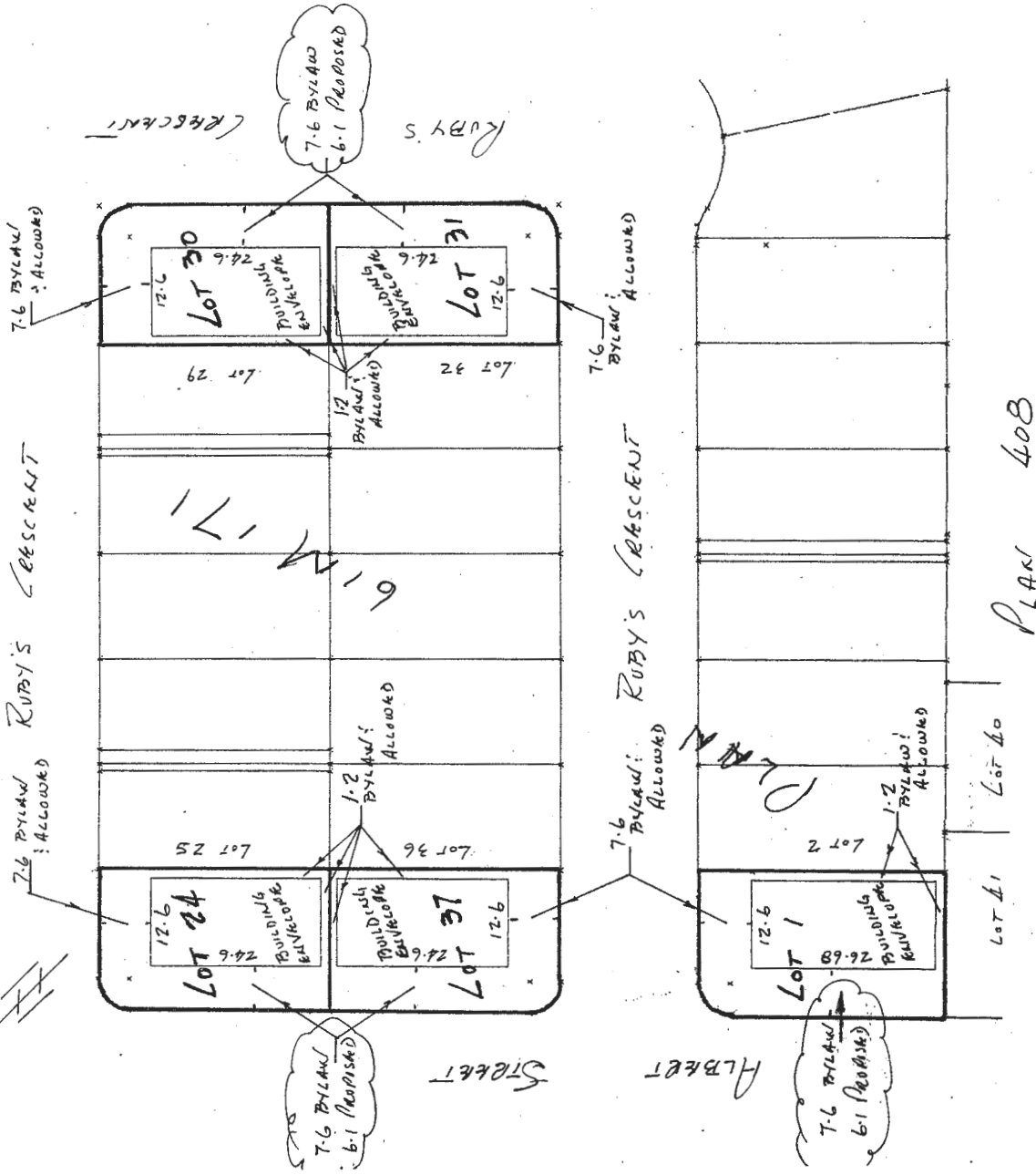
181000

NOV/11  
 8196

Alex R. Wilson  
 SURVEYING INC.

MOUNT FOREST

519 323 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

November 29, 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 A8/11**  
**Lots 1, 24, 30, 31 & 37, R P 61M171, Ruby's Crescent**  
**Reeves Construction Limited**

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

**Planning Opinion:**

The variances requested would provide relief from the minimum required exterior side yard setback from 7.6m to 6.1m.

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 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.

**Wellington North Zoning By-law:** The subject lands are zoned Residential (R2) and are currently vacant. The applicant is proposing to construct single family dwellings on the 5 corner lots within the development and is requesting relief to allow a reduced **exterior side yard setback of 6.1m (20 ft), whereas the by-law requires 7.6 m (24.9 ft).**

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