

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, December 12, 2011

The Public Meeting was held Monday, December 12, 2011 at 7:15 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider two Zoning Amendment applications.

Present:

Mayor: Raymond Tout
Councillors: Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake

Also Present:

C.A.O./Clerk: Lorraine Heinbuch
Executive Assistant: Cathy Conrad
Township Planner: Linda Redmond

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner: Trevor Roberts

THE LOCATION being rezoned is in Ellen Daniels SVY, Lot 6 & 7, with a civic address of 7634 Hwy 6. The land is approximately 0.4 acres in size.

THE PURPOSE AND EFFECT of the amendment is to rezone the property from Industrial Exception (M1-22) to an appropriate zone to permit a piano rebuilding workshop to be established on the property. The property is currently designated Highway Commercial in the Official Plan.

Please note – Section 34 (12) of the Planning Act.

Information – At a meeting under subsection (12), the Council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the Council with oral submissions at a public meeting or written submissions before a By-law is passed.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, December 12, 2011

Page Two

1. Notice for the original public meeting was sent to property owners within 120 m and required agencies and posted on the property on May 30th, 2011. Notice for this public meeting was sent to those requesting notice in writing and posted on the property on November 21st, 2011.
2. Application for Zoning By-law Amendment
3. Presentation by:

Linda Redmond, Planner,

The following comments, dated May 30, 2011, prepared by Denise Whaley, Junior Planner, were previously presented at the June 20, 2011 Public Meeting.

The proposal is to amend the zoning of the subject property from (M1-22) Industrial Exception to a site specific C2 zone to permit piano rebuilding and a single family dwelling on the property. The Official Plan currently designates the subject property as Highway Commercial.

The amendment to change the (M1-22) zoning to a more appropriate zone is necessary to ensure that permitted uses of the property are compatible with surrounding land uses. Re-zoning to permit piano rebuilding is in keeping with the highway location of the property and is not likely to adversely affect the surrounding lands.

The Planning Department had no objections to this zoning amendment and are generally supportive of the proposed use on the property. Council should consider any comments from the Ministry of Transportation.

The subject land is legally described as Ellen Daniels Svy Lot 6, Lot 7 and has a civic address of 7634 Hwy 6. The land is approximately 0.16 ha (0.4 ac) in size.

The purpose of the amendment is to rezone the property from Industrial Exception (M1-22) to an appropriate zone to permit a piano rebuilding workshop to be established on the property.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, December 12, 2011

Page Three

The subject lands are currently designated Highway Commercial in the Official Plan. The purpose of the Highway Commercial designation is for commercial uses serving the travelling public or uses not considered compatible within the downtown of the urban centre.

The subject lands are zoned Industrial Exception (M1-22), which requires that this land may only be used for a transport establishment within the existing buildings and structures. The proposed use of a piano rebuilding workshop would be permitted in the (C2) Highway Commercial Zone. A draft by-law was attached for council's consideration.

According to the Site Plan Control By-law, this proposal would be subject to Site Plan approval. However, there are no new buildings proposed and there appears to be existing adequate parking for the proposed use. At this point in time a Site Plan would serve no useful purpose.

The property is currently occupied by a residence and a 2,000 ft² accessory structure. The applicant pre-consulted with Linda Redmond, Township planner and advised at that time that their intention is to live in the dwelling and convert the existing accessory structure into a piano rebuilding shop. No new buildings or exterior changes are proposed.

The subject lands were formerly part of a single (M1-22) zone which encompassed the lands to the rear at 111 Patrick Street. The (M1-22) was necessary at one time to permit a transport establishment to operate on the property. Since the original transport operation has ceased, the lands at 111 Patrick Street have been rezoned to (C2). This leaves the subject property in essence, a remnant of the previous zone which has no current useful purpose. The current zoning does not reflect the actual use of the property which is no longer part of the 111 Patrick Street operation.

The current zoning (M1-22) may be used for a transport establishment within the existing buildings and structures. This use would not be compatible with the size of the subject property or the surrounding land uses. The lands immediately adjacent to the site on the north and south have residential dwellings that also front on Highway 6 and are zoned (R1A) Unserviced Residential.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, December 12, 2011

Page Four

The proposed new use is likely to be more compatible with the surrounding uses than the former transport operation and would prohibit further industrial activities on the property. Furthermore, rezoning to a commercial zone would conform to the Official Plan designation for the property

4. Review of Correspondence received by the Township:
 - Liz Yerex, Resource Planner, Grand River Conservation Authority
 - No objection
 - Ian Smyth, Corridor Management Planner, MTO
 - No objection
5. The by-law will be considered at the Regular Council Meeting following the public meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.
6. Mayor Tout opened the floor for any questions/comments.

The owner and purchaser were present to answer any questions.

Dwight Pile commented that the neighbours are excited that the property will no longer be used as a transport operation.
7. Comments/questions from Council.

None.

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, December 12, 2011

Page Five

Owners/Applicant: Paul, Judy and Trevor Culp

Declaration of Pecuniary Interest:

None declared.

THE LOCATION being rezoned is in Part of Lot 4, Concession 7, with a civic address of 8170 Line 6. The land is approximately 104.5 acres in size.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized garage and barn on the residential portion of the subject lands. This rezoning is a condition of severance application B51/11, that was granted provisional approval by the Wellington County Land Division Committee in May, 2011. The consent will sever the existing farm dwelling, barn and detached garage (5.2 ha (12.8 acres) from the remainder of the agricultural parcel (37.1 ha (91.72 acres). The property is currently zoned Agricultural.

Please note – Section 34 (12) of the Planning Act.

(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

8. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on November 21st, 2011.

9. Application for Zoning By-law Amendment

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, December 12, 2011

Page Six

10. Presentation by:

Linda Redmond, Planner, reviewed her comments dated November 30, 2011.

The zoning amendment is required as a condition of provisional consent (B51/11) by the Wellington County Land Division Committee. The Planning Department had no objections to implementing this decision. Both the Provincial Policy Statement and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

The by-law will also address the accessory structure and barn on the residential parcel. It is not unusual to maintain an existing barn and or implement shed for storage as a result of a severance. In this case the applicants are requesting to keep a detached garage with a floor area of 1600 sq. ft, (1000 sq.ft. is the maximum allowable) and a barn with a floor area of 3300 sq.ft. whereas, 1380 sq.ft. would be permitted for this size of lot. We have not been provided with any information with respect to the use of the barn.

Council should be satisfied that the accessory building is intended for personal use and not for commercial purposes. Further we would recommend that the permitted animal units be restricted

The subject land is legally described as Part of Lot 4, Concession 7, with a civic address of 8170 Line 6. The land is approximately 104.5 acres in size.

The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized garage and barn on the residential portion of the subject lands. This rezoning is a condition of severance application B51/11, that was granted provisional approval by the Wellington County Land Division Committee in May, 2011. The consent will sever the existing farm dwelling, barn and detached garage (5.2 ha (12.8 acres) from the remainder of the agricultural parcel (37.1 ha (91.72 acres)).

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, December 12, 2011

Page Seven

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the Provincial Policy Statement provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

Under the Wellington County Official Plan the subject lands are designated PRIME AGRICULTURE. This application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the PPS and requires that the remnant parcel be rezoned to prohibit dwellings.

Section 10.3.4 of the Official Plan states:

“A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) The remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) The surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) The Minimum Distance Separation formula will be met, and
- f) The vacant parcel of farmland is rezoned to prohibit a residential use.”

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum.”

Under the Zoning By-law the subject lands are zoned Agricultural (A). There will be two site specific zones required on the subject lands. The first site specific will prohibit a dwelling on the 91.72 acres agricultural parcel and the second one will address the accessory structures on the 12.8 acre residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structure would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case there is a detached garage with a floor area of 1600 sq.ft., which exceeds the allowable ground floor area of 1,000 sq. ft. (Section 6.1.4 ii).

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, December 12, 2011

Page Eight

In addition a 12.8 ac. parcel would be permitted a hobby barn of approximately 1380 sq.ft. The applicant would like to retain the existing barn which is approximately 3300 sq.ft.

11. Review of Correspondence received by the Township:
 - Darren Jones, Chief Building Official
 - Concerns regarding size of barn
 - Liz Yerex, Resource Planner, GRCA
 - No objection

12. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.

13. Mayor opens floor for any questions/comments.

Vince Starrat, solicitor for the applicant, was present to answer any questions.

Trevor Roberts and Sarah Wilson, proposed purchasers of the severed farm dwelling property, explained that they want to use the barn for a couple of horses, hay and straw storage and storage of a couple of vehicles.

14. Comments/questions from Council.

None.

15. Adjournment 7:38 p.m.

C.A.O./CLERK

MAYOR