

A G E N D A

COUNCIL MEETING

TOWNSHIP OF WELLESLEY

PLANNING & DEVELOPMENT COMMITTEE

FEBRUARY 6, 2012 – 6:45 PM

COUNCIL CHAMBERS - CROSSHILL

<u>Pages</u>	
1	P. & D. 12/12 – Planning & Development Committee minutes from meeting held January 31, 2012 – Motion required
2-8	P. & D. 13/12 – Certificate of Occupancy – For information CO-03-12 re: Menno Bauman, 5560 William Hastings Line, RR#1 Millbank CO-04-12 re: Issac B. Bauman, 4721 Weimar Line, RR#3 Wellesley CO-05-12 re: Sydney M. Martin, 4880 Schummer Line, RR#1 Linwood CO-06-12 re: Emanuel F. Bowman, 4369 Boomer Line, RR#1 St. Clements CO-07-12 re: Ivan Bowman, 4473 Lobsinger Line, RR#1 St. Clements CO-08-12 re: David Hoover, 1385 Greenwood Hill Rd., RR#3 Wellesley CO-09-12 re: Anson B. Martin, 3110 Hutchison Rd., RR#1 Linwood
9-10	P. & D. 14/12 – Resolution from the Municipality of East Ferris re: Proposed Changes to Part 8 of the Ontario Building Code – Motion required
11-18	P. & D. 15/12 – Minor Variance Application A1/12 re: 2580 Kressler Rd. – Motion required
19-29	P. & D. 16/12 – OPA 10/11 & ZBA 04/11 re: Robert & Kathy Hunke – Motion required
30-32	P. & D. 17/12 – GRCA re: Application for Minor Variance A7/11, 4635 Ament Line – For information

**PLANNING
COMMITTEE MEETING**

**JANUARY 31, 2012
COUNCIL CHAMBERS CROSSHILL**

Chair: Jim Olender

Members Present: Ross Kelterborn, Shelley Wagner; Herb Neher; Paul Hergott

Staff: Susan Duke, Executive Director Corporate/Clerk
Will McLaughlin, Executive Director Operations
Fire Chief Andrew Lillico
Grace Kosch, Deputy Clerk

P. & D. 11/12 – Certificate of Occupancy – For information
CO-01-12 re: Ephriam B. Bauman, 2527 Hutchison Rd., RR#1 Millbank
CO-02-12 re: Norman Hoover, 3649 Hessen Strasse, RR#1 St. Clements

Susan Duke, Executive Director Corporate/Clerk updated the Planning Committee of the pending sale of Block 106, 58M-380 pursuant to Township policy.

PLANNING & DEVELOPMENT
Township
File No: 12/12

①



The Corporation of the Township of Wellesley

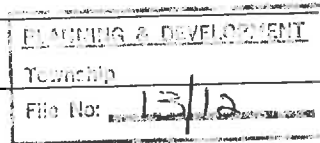
Township of Wellesley
4639 Lobsinger Line
R.R. #1, St. Clements N0B 2M0
Telephone: 519-699-4611
Fax: 519-699-4540

Date of Expiry: FEB 7, 2013
No. CO-03-12
 New Renewal 150

Certificate of Occupancy – Farm Related Occupation By-Law 28/2006

Property Owner: MENNIE BAUMAN
Legal Description: SIDEWAST CONG PT LOT 7 Roll No. 3024- CHC 006-107-00
Address: 5560 WILLIAM HASTINGS LINE PH 519-699-2510
RR 1 MILLBANK CMT NO. 110 Township of Wellesley
Ontario Farm Business Registration No. 4080974
Description of Farm Related Occupation HARNESS SHOP - MANUFACTURING OF HARNESS AND
HARNESS RELATED COMPONENTS

Floor Area of Building(s) 1,140 FT² Floor Area Devoted to this Use 1,140 FT²
Size of Property 10 AC Area Devoted to this Use (Max. One Acre) 1/2 AC
Number of employees NOT living on this farm (Max Two) ONE
Fire Reservoir: ONSITE Yes No
 Shared by agreement with _____



Acknowledgements:

I have received/reviewed a copy of Township of Wellesley By-law 28/2006 section 4.12

I understand it is my responsibility to renew my Certificate of Occupancy ever two years. If I propose to change the nature, size (square footage) or ownership of my business changes, I understand it is my responsibility to renew my certificate of occupancy immediately.

I have discussed with the issuer of this Certificate of Occupancy the meaning of the terms legal non-conforming and minor variance. I understand if I was in possession of a valid Certificate of Occupancy before February 5, 2001, I may have an option to apply for a minor variance rather than applying for a new Certificate of Occupancy.

I hereby understand and agree that I shall comply, at all times, with all federal and provincial statutes and regulations, as well as all municipal by-laws, which includes, without limitation, complying with the Environmental Protection Act and the regulations thereunder. I further understand and agree that it is my responsibility to obtain, and that I will obtain, all necessary approvals or permits that are required by federal and provincial law or any municipal by-law applicable to the operation of this farm related occupation.

I understand that according to Section 1.11 of By-law 28/2006 every person who contravenes this By-law is guilty of an offence and on conviction is liable to a fine of not more than \$25,000.00; and on a subsequent conviction to a fine not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

Contacts: Ministry of the Environment- Environmental Assessment and Approvals Branch:
Telephone: 1-800-461-6290 Fax: Assessment 1-416-314-7227
Approvals 1-416-314-8452
Guelph office: Telephone: 1-800-265-8658 Fax: 1-519-826-4286

Signature: Mennie M Bauman Date: JAN 24, 2012

Issued by: [Signature] Approved by: [Signature] (2)



The Corporation of the Township of Wellesley

Township of Wellesley
4639 Lobsinger Line
R.R. #1, St. Clements NOB 2M0
Telephone: 519-699-4611
Fax: 519-699-4540

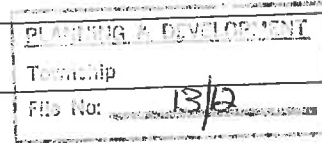
Date of Expiry: JAN 3, 2014
No. CO-04-12
 New Renewal \$150

Certificate of Occupancy – Farm Related Occupation By-Law 28/2006

Property Owner: TSSAC B. BAUMAN
Legal Description: SECT EAST CON 4 PT LOT 12 Roll No. 3024-~~00-04-026-00~~
Address: 4721 WEIMAR LINE PH 519-656-2416
RR 3 WELLESLEY ONT NOB 2TO Township of Wellesley
Ontario Farm Business Registration No. 4005237
Description of Farm Related Occupation CUSTOM SAWING FOR WOOD CABINETS

Floor Area of Building(s) 3,081 FT² Floor Area Devoted to this Use 3,081 FT²
Size of Property 99.42 AC Area Devoted to this Use (Max. One Acre) 1 AC
Number of employees NOT living on this farm (Max Two) ONE

Fire Reservoir: ONSITE Yes No
 Shared by agreement with _____



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Approvals 1-416-314-8452
Guelph office: Telephone: 1-800-265-8658 Fax: 1-519-826-4286

Signature: [Signature] Date JAN 24, 2012

Issued by: [Signature] Approved by: [Signature] (3)



The Corporation of the Township of Wellesley

Township of Wellesley
4639 Lobsinger Line
R.R. #1, St. Clements NOB 2M0
Telephone: 519-699-4611
Fax: 519-699-4540

Date of Expiry: JAN 8, 2014
No. CO-05-12
 New Renewal \$150.

Certificate of Occupancy – Farm Related Occupation By-Law 28/2006

Property Owner: SYDNEY M. MARTIN

Legal Description: SECT WEST COVB PT LOT 11 Roll No. 3024-042-006-033-10

Address: 4880 SCHUMMER LN PH 519-699-2846

RR 1 LINDWOOD CNT NOB 2A0 Township of Wellesley

Ontario Farm Business Registration No. 871228

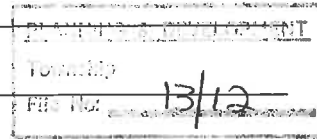
Description of Farm Related Occupation CUSTOM WELDING, STEEL TURNING, ASSEMBLY
AND DIP PAINTING

Floor Area of Building(s) 3,064 FT² Floor Area Devoted to this Use 3,064 FT²

Size of Property 100 AC Area Devoted to this Use (Max. One Acre) 1/2 AC

Number of employees NOT living on this farm (Max Two) NONE

Fire Reservoir: ONSITE Yes No
 Shared by agreement with _____



Acknowledgements:

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Telephone: 1-800-461-6290 Fax: Assessment 1-416-314-7227
Approvals 1-416-314-8452
Guelph office: Telephone: 1-800-265-8658 Fax: 1-519-826-4286

Signature: Sydney M Martin Date: JAN 25, 2012

Issued by: [Signature] Approved by: [Signature] (4)



The Corporation of the Township of Wellesley

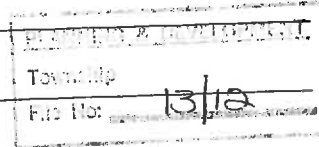
Township of Wellesley
4639 Lobsinger Line
R.R. #1, St. Clements NOB 2MO
Telephone: 519-699-4611
Fax: 519-699-4540

Date of Expiry: JAN 16, 2014
No. CO-06-12
 New Renewal \$150.

Certificate of Occupancy – Farm Related Occupation By-Law 28/2006

Property Owner: EMANUEL F. BOYMAN
Legal Description: SECT EAST CON/10 FT LOT B Roll No. 3024-030-003-265-00
Address: 4369 BOOMER LINE PH 519-699-6008
RR 2 ST. CLEMENTS CRT NOB 2MO Township of Wellesley
Ontario Farm Business Registration No. 3073731
Description of Farm Related Occupation CUSTOM STEEL FABRICATING, FORMING, WELDING
AND ASSEMBLY.

T Floor Area of Building(s) 5,309 FT² Floor Area Devoted to this Use 3,785 FT²
Size of Property 75 AC Area Devoted to this Use (Max. One Acre) 1/4 AC
Number of employees NOT living on this farm (Max Two) TWO
Fire Reservoir: ONSITE Yes No
 Shared by agreement with _____



Acknowledgements:

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Telephone: 1-800-461-6290 Fax: Assessment 1-416-314-7227
Approvals 1-416-314-8452
Guelph office: Telephone: 1-800-265-8658 Fax: 1-519-826-4286

Signature: Emanuel F. Boyman Date: JAN 25, 2012

Issued by: [Signature] Approved by: [Signature] (5)



The Corporation of the Township of Wellesley

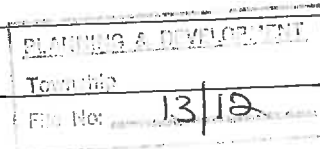
Township of Wellesley
4639 Lobsinger Line
R.R. #1, St. Clements NOB 2M0
Telephone: 519-699-4611
Fax: 519-699-4540

Date of Expiry: JAN 3, 2014
No. CO-07-12
 New Renewal \$150

Certificate of Occupancy - Farm Related Occupation By-Law 28/2006

Property Owner: IVAN BOWMAN
Legal Description: SECT EAST GEN 7 FT W 9 IR Roll No. 3024-030-003-191-00
Address: 4473 LOBSINGER LN PH 519-699-5090
RR 1 ST. CLEMENTS ONT NOB 2M0 Township of Wellesley
Ontario Farm Business Registration No. 4130837
Description of Farm Related Occupation MACHINE SHOP, MANUFACTURE FARM EQUIPMENT
(HILLSIDE MFG. INC.)

Floor Area of Building(s) 5,838 FT² Floor Area Devoted to this Use 5,838 FT²
Size of Property 34.72 AC Area Devoted to this Use (Max. One Acre) 1 AC
Number of employees NOT living on this farm (Max Two) TWO
Fire Reservoir: Onsite Yes No
 Shared by agreement with _____



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Telephone: 1-800-461-6290 Fax: Assessment 1-416-314-7227
Approvals 1-416-314-8452
Guelph office: Telephone: 1-800-265-8658 Fax: 1-519-826-4286

Signature: Ivan Bowman Date: JAN 25, 2012

Issued by: [Signature] Approved by: [Signature] (10)



The Corporation of the Township of Wellesley

Township of Wellesley
4639 Lobsinger Line
R.R. #1, St. Clements N0B 2M0
Telephone: 519-699-4611
Fax: 519-699-4540

Date of Expiry: JAN 22, 2014

No. CO-08-12

New Renewal \$150

Certificate of Occupancy - Farm Related Occupation By-Law 28/2006

Property Owner: DAVID HOOVER

Legal Description: SAC EAST CON 2 PT LOT 11 Roll No. 3024-020-008-05-00

Address: 1385 GREENWOOD HILL RD PH 519-656-7070

RR 3 WELLESLEY CNT NOB 2 TO Township of Wellesley

Ontario Farm Business Registration No. 4133492

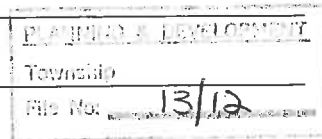
Description of Farm Related Occupation WINDOW MANUFACTURING AND CUSTOM CARPENTRY

Floor Area of Building(s) 5,676 FT² Floor Area Devoted to this Use 3,072 FT²

Size of Property 99.31 AC Area Devoted to this Use (Max. One Acre) 1/2 AC

Number of employees NOT living on this farm (Max Two) NONE

Fire Reservoir: ONSITE Yes No
 Shared by agreement with _____



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Telephone: 1-800-461-6290 Fax: Assessment 1-416-314-7227
Approvals 1-416-314-8452
Guelph office: Telephone: 1-800-265-8658 Fax: 1-519-826-4286

Signature: [Signature] Date: JAN 30, 2012

Issued by: [Signature] Approved by: [Signature] (7)



The Corporation of the Township of Wellesley

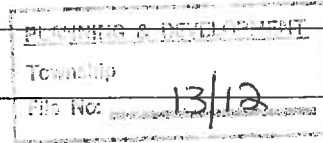
Township of Wellesley
4639 Lobsinger Line
R.R. #1, St. Clements N0B 2M0
Telephone: 519-699-4611
Fax: 519-699-4540

Date of Expiry: JAN 23, 2014
No. CC-09-12
 New Renewal \$150

Certificate of Occupancy – Farm Related Occupation By-Law 28/2006

Property Owner: ANSON B. MARTIN
Legal Description: SPT WEST CON BFT LOT 12 Roll No. 3024-040-006-029-00
Address: 3110 HUTCHINSON RD PH579-698-2727
RR 2 LINDAVAL CNT N0B 2A0 Township of Wellesley
Ontario Farm Business Registration No. 4153102
Description of Farm Related Occupation MANUFACTURING AND SALES OF FARM MACHINERY
ATTACHMENTS (MARTACH ATTACHMENTS)

Floor Area of Building(s) 8,358 SQ FT Floor Area Devoted to this Use 5,954 FT²
Size of Property 50 AC Area Devoted to this Use (Max. One Acre) 1 AC
Number of employees NOT living on this farm (Max Two) TWO
Fire Reservoir: Onsite Yes No
 Shared by agreement with _____



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Approvals 1-416-314-8452
Guelph office: Telephone: 1-800-265-8658 Fax: 1-519-826-4286

Signature: _____ Date: JAN 30, 2012
Issued by: _____ Approved by: [Signature] (8)

MUNICIPALITÉ • EAST FERRIS • MUNICIPALITY



390 HIGHWAY 94, CORBEIL, ONTARIO P0H 1K0
TEL: (705) 752-2740 FAX: (705) 752-2452

Corbeil, Ontario
December 13, 2011, Session No. 27

Moved by: Terry Kelly

Seconded by: Dan Corbeil

WHEREAS the North Bay-Mattawa Conservation Authority, as the principal authority in the Ontario Building Code for Part 8, has advised the Municipality of East Ferris of a recommended change to the Building Code that will require denitrification, phosphorus removal and tertiary treatment on-site septic systems within vulnerable areas as described in Drinking Water Source Protection Assessment reports where septic systems are deemed to be significant threats; **AND WHEREAS** the North Bay-Mattawa Conservation Authority has indicated to the Ministry of Municipal Affairs and Housing, in its comments as part of the public comment process, that it does not support the proposed changes to the Ontario Building Code for tertiary treatment systems as a blanket approach to reducing the significance of such threats, particularly in light of the new Building Code requirement for mandatory maintenance inspections for these same systems;

AND WHEREAS the septic systems proposed through the amendment to the Ontario Building Code are significantly more costly than a conventional septic system - an additional cost that will have to be borne by each property owner in a vulnerable area;

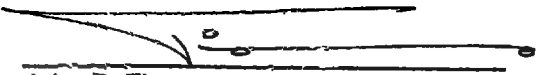
THEREFORE BE IT RESOLVED that the Council for the Municipality of East Ferris requests that the proposed change to Part 8 of the Ontario Building Code, recommended by the Ministry of Municipal Affairs and Housing, requiring the installation of tertiary treatment systems for new or replacement septic systems within vulnerable areas as described in Drinking Water Source Protection Assessment Reports where septic systems are deemed to be significant threat, not be approved;

PLANNING & DEVELOPMENT
Township
File No: 14/12

AND FURTHER that a copy of this resolution be forwarded to the Minister of Municipal Affairs and Housing, the Minister of the Environment, the Minister of Natural Resources, Victor Fedeli, MPP (Nipissing), the North Bay–Mattawa Conservation Authority and the Association of Municipalities of Ontario for circulation to all municipalities in the Province.

Carried

This is a true certified copy of
Resolution No. 27 passed by the
Council of the Municipality of East Ferris
on the 13th day of December, 2011.


John B. Fior
Clerk

DISCLAIMER

This material is provided under contract as a paid service by the originating organization and does not necessarily reflect the view or positions of the Association of Municipalities of Ontario (AMO), its subsidiary companies, officers, directors or agents.

PLANNING & DEVELOPMENT
Township
File No: 14/12

10

TOWNSHIP OF WELLESLEY
PLANNING REPORT - MINOR VARIANCE APPLICATION A1/12

Date: February 6, 2012
Property Owner: Oscar B. Weber
Agent: N/A
Date of Application: January 9, 2012
Location: Con. A, Pt Lt 9, Pt Lt 10, East Sec
Municipal Address: 2580 Kressler Rd.
Roll Number: 15-3024-030-002-00100
Zoning: 'A1' – General Agricultural
Twp. Official Plan: Agricultural Resource Area

EXPLANATION

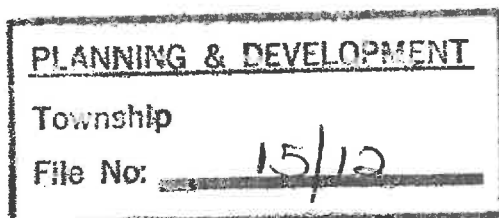
The property owner of 2580 Kressler Rd. has submitted an application for a minor variance for relief from the Minimum Distance Separation requirements of the Zoning By-Law (28/2006).

DISCUSSION

The subject property is located on the west side of Kressler Rd., directly south of the Heidelberg Settlement Area. The property is zoned 'A1' – General Agricultural and is within the Agricultural Resource Area. The property has a lot area of 100.24 acres and a frontage of approximately 1,748 ft.

The applicant applied for a Building Permit on December 28, 2011. He proposes to reconstruct part of the existing barn and build a barn addition.

It was determined by Township staff and then verified by OMAFRA staff that the proposal did not comply with Minimum Distance Separation II (MDS II) requirements. Specifically, the proposed barn addition is closer to a Type B land use, a parochial school, than the minimum distance required by MDS II requirements.



A1/12
MINOR VARIANCE APPLICATION
OSCAR B. WEBER

The applicant has chosen to apply for a minor variance to permit the proposed barn addition to be constructed as per his original application.

THE PROPOSED DEVELOPMENT

According to the owner/applicant, the existing bank barn is 6,844 sq. ft, the existing dry cow loafing barn is 720 sq. ft and the existing heifer loafing barn is 2,436 sq. ft. He is proposing to demolish 2,000 sq. ft of the existing bank barn, the entire dry cow loafing barn and has proposed to convert the entire heifer loafing barn into hay storage. He is proposing to construct 5,770 sq. ft as an addition to the portion of the existing bank barn which will not be demolished. In total, the post-construction bank barn is proposed to be 10,614 sq. ft.

TYPE B USE

The school at 2568 Kressler Rd. is considered to be a Type B use. Type B land uses are typically characterized by uses that have a higher density of human occupancy, habitation or activity. For the purposes of MDS II, Type B land uses include areas zoned and/or designated settlement area, institutional, or commercial. The school property is approximately 210 ft away from the proposed barn addition. MDS II requires that the new livestock facility development be at least 423 ft away from the school property line.

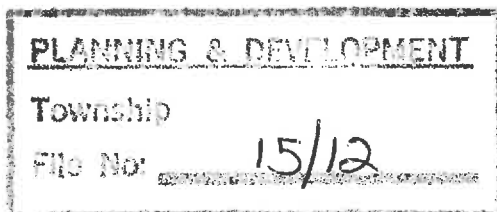
PURPOSE OF PROPOSED DEVELOPMENT

According to the submitted Nutrient Management Strategy, the owner/applicant will not be increasing livestock numbers. The owner/applicant wants to both combine the now separate buildings as a way to meet Canadian Quality Milk regulations, to increase efficiency and to provide more space to each individual cow.

Specifically, the owner/applicant must reduce the cows' exposure to manure to comply with Canadian Quality Milk regulations. Currently, the cows need to be walked through the manure yard to get from the bank barn to the other livestock facilities. By combining the livestock facilities into one building, the proposed development would eliminate the need for the cows to walk through the manure yard, thus increasing sanitation and efficiency.

SITE VISIT

Township staff visited the property on January 9, 2012 to understand why it is not possible for the proposed development to comply with MDS II requirements. The existing bank barn is 222 ft away from the school property line. As previously stated, MDS II requires that the new livestock facility development be at least 423 ft away from the school property line. The existing barn is already 201 ft closer to the school property line than is permitted under today's MDS II regulations. The owner/applicant is proposing to extend the existing barn 12 ft closer to the school property than it is



A1/12
MINOR VARIANCE APPLICATION
OSCAR B. WEBER

12

currently. Township staff maintain that an extension of 12 ft is minor in nature. There is no proposed increase in livestock and the modernization of the facility will be beneficial from a public health perspective.

CONCLUSION

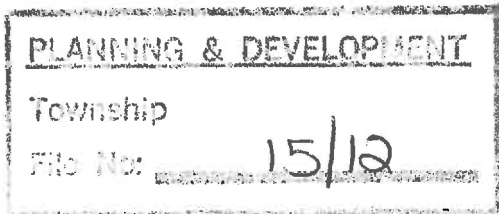
It has been determined by Township staff that the proposed changes are minor in nature and the proposed variances maintain the general intent and purpose of the Township of Wellesley Official Plan and Zoning By-law 28/2006.

RECOMMENDATION

That the Council of the Township of Wellesley accept the comments in this report and forward this report to the Committee of Adjustment for their consideration in the matter of application A1/12.

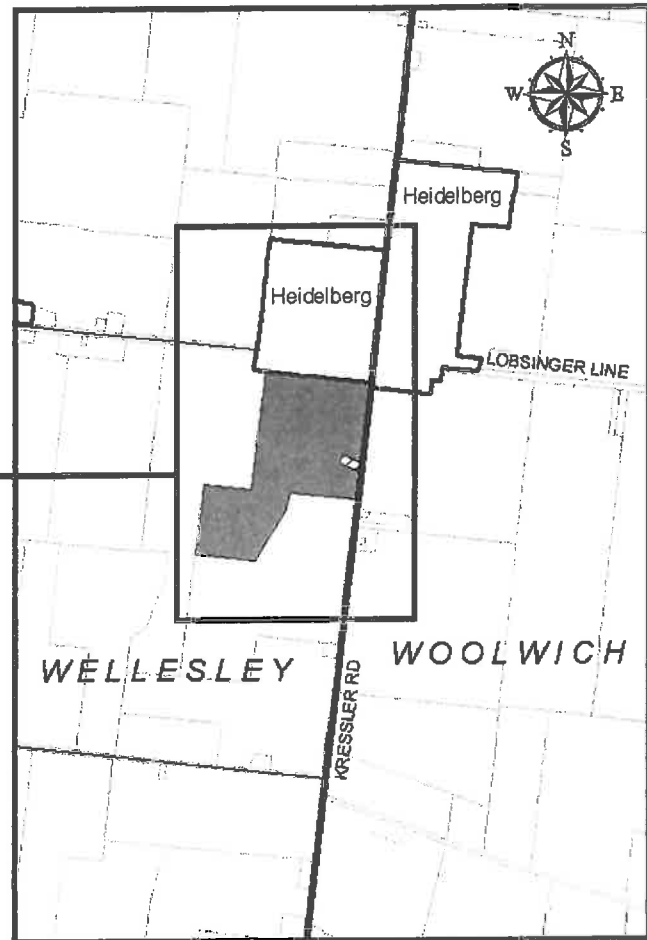
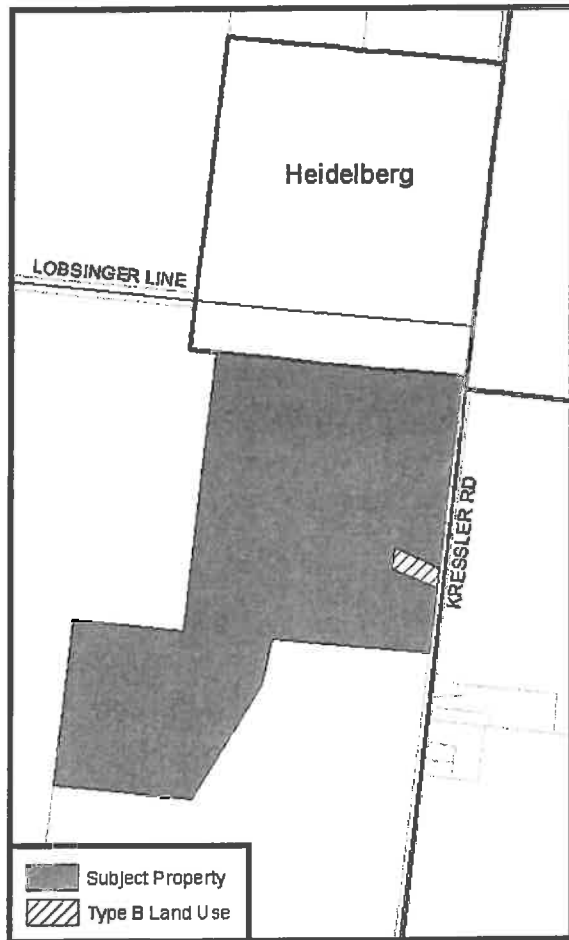
Sarah Peck, MSc PL
Junior Planner
Township of Wellesley

Approved by: S.J. Duke, EDC/Clerk January 20, 2012



A1/12
MINOR VARIANCE APPLICATION
OSCAR B. WEBER

Key Map: 2580 Kressler Rd.



PLANNING & DEVELOPMENT

Township

File No: 15/12

A1/12
MINOR VARIANCE APPLICATION
OSCAR B. WEBER



Figure 1: Air Photo of 2580 Kressler Rd.

PLANNING & DEVELOPMENT
Township
File No: 15/12

A1/12
MINOR VARIANCE APPLICATION
OSCAR B. WEBER

Description	Multiplier	Required Barn Setback	Actual Barn Setback
Nearest neighbour's dwelling	1.0	64 m 212 ft	178 m 584 ft
Type A land uses	1.0	64 m 212 ft	N/A
Type B land uses	2.0	129 m 423 ft	64 m 210 ft
Nearest lot line (side or rear)	0.1	6 m 21 ft	64 m 210 ft
Nearest road allowance	0.2	13 m 41 ft	61m 200 ft

Figure 2: MDS II summary

Manure Form	Type of Livestock	Total Capacity	Total NU
Solid	Dairy; Milking-age cows; small frame (e.g. Jerseys)	40	40.0
Solid	Dairy; Heifers; small frame (e.g. Jerseys)	18	6.2
Solid	Dairy; calves; small-frame; e.g. Jerseys	12	1.4
Solid	Horses; medium-frame, mature	4	4.0

Figure 3: Livestock summary

PLANNING & DEVELOPMENT	
Township	
File No:	15/12

A1/12
MINOR VARIANCE APPLICATION
OSCAR B. WEBER



Figure 3: Manure storage in uncovered yard

PLANNING & DEVELOPMENT
Township
File No: 15/12

A1/12
MINOR VARIANCE APPLICATION
OSCAR B. WEBER



Figure 4: View from barn to school

PLANNING & DEVELOPMENT	
Township	
File No:	15/12

A1/12
MINOR VARIANCE APPLICATION
OSCAR B. WEBER

TOWNSHIP OF WELLESLEY
PLANNING REPORT, OPA 01-11 & ZBA 04-11:
ZONING BY-LAW AMENDMENT APPLICATION

Date: February 6, 2011

Prepared for: Council of the Township of Wellesley

Prepared by: Sarah Peck
Junior Planner

Property Owner: Robert and Kathy Hunke

Agent: N/A

RE: Official Plan Amendment & Zoning By-law
Amendment
3639 Nafziger Rd.
Plan 1148, Lt 66, Pt Lt 65, East Sec.

Date of Application: September 13, 2011

Application Number: OPA 01/11 and ZBA 04/11

Roll Number: 15-3024-010-001-09100

Zoning: 'I' – Institutional

Twp. Official Plan: Institutional

EXPLANATION:

A Public Meeting was held on November 7, 2011 in the matter of a proposed Official Plan Amendment 01/2011 and proposed Zoning By-law Amendment 04/2011 for lands known municipally as 3639 Nafziger Rd.

The purpose of the subject applications is to redesignate and rezone the property to permit residential uses. It is Township staff's understanding that the owner/applicants intend to develop a duplex on the property.

PLANNING & DEVELOPMENT
Township
File No: <u>116/12</u>

OPA 01/11 & ZBA 04/11
ZONING BY-LAW AMENDMENT APPLICATION
ROBERT & KATHY HUNKE

KEY ISSUES:

At the Regular Council Meeting on January 17, 2012, Township Council passed the following motion:

THAT the Council of the Township of Wellesley defer decision on OPA 01/11 and ZBA 04/11;

AND FURTHER THAT the Council of the Township of Wellesley authorize Township staff to re-circulate the public and relevant commenting agencies with further details of the subject applications to facilitate their full and meaningful participation. The notices will be based on the owner/applicants' revised proposal.

Township staff re-circulated notices to the Public and to the relevant commenting agencies on January 19, 2012.

The following is an explanation of the two issues discussed in the notices:

Parking plan

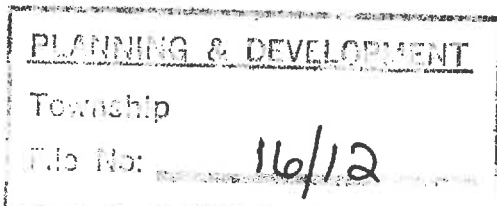
The parking options are physically restricted by the two large trees on the municipal right-of-way on Doering St. The Township Community Services Department and Waterloo North Hydro have reached a joint conclusion that both trees are viable at this time and there is no justification from a tree health perspective to remove the trees

The Township of Wellesley requires that a duplex development provide at least two (2) off-street parking spaces for each unit for a total of four (4) off-street parking spaces. The Township further requires that parking spaces be at least 2.7 m (9') by 6 m (20'), exclusive of aisles or driveways and that the parking spaces be at least 1.0 m away from all property lines.

The owner/applicants have concluded that they are not able to meet all of the Township's off-street parking requirements due to physical constraints on the site. They have chosen to request that Township Council consider reducing the required number of off-street parking spaces from four (two per unit) to three (1.5 per unit).

Volume below grade

The Township Building Department has determined that the building plans submitted by the owner/applicants propose that the lower unit of the duplex be approximately 60.7% below grade. According to the Township Zoning By-law, basement units intended for human habitation must have at least one-half of their height from finished floor to finished ceiling above the adjacent finished ground surface or grade. The Township



OPA 01/11 & ZBA 04/11
ZONING BY-LAW AMENDMENT APPLICATION
ROBERT & KATHY HUNKE

20

Zoning By-law (Section 2.31) considers a unit which is more than 50% below grade to be a cellar and a cellar is not permitted to be used for any type of human habitation.

The owner/applicants have concluded that they are not able to meet the Township's definition of basement unit due to the nature of the existing building. The owner/have chosen to request that Township Council consider lowering the required above-grade volume of a habitable unit from 50% above grade to approximately 39% above grade. The Building Department has commented that there may be minor construction related changes required in order for the duplex to meet Building Code regulations.

FURTHER CIRCULATION

At the time of the original circulation of OPA 01/11 and ZBA 04/11, the public and the commenting agencies were not notified that the off-street parking requirements for the subject property and the below-grade volume of the proposed lower duplex unit would be under review.

Members of the public within 120 m of the subject property as well as relevant commenting agencies have now been circulated.

PUBLIC COMMENTS

No formal comments received to date.

AGENCY REPORTS:

Executive Director of Operations, Township of Wellesley

On-street competition for parking *may* become an issue here regardless of the number of spaces available off-street.

Chief Building Official, Township of Wellesley

Any construction work conducted during the consultation period, prior to the signing and final passing of the By-laws, must be approved by the Township Chief Building Official.

Fire Chief, Township of Wellesley

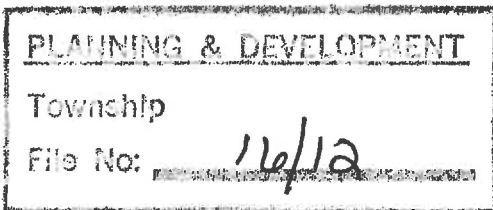
No comments or concerns.

AECOM

Screening for headlights should be considered to avoid headlights shining into neighbouring properties. The location and the nature of such screening can be determined after the configuration of the off-street parking is determined.

Region of Waterloo

No comments or concerns.



OPA 01/11 & ZBA 04/11
ZONING BY-LAW AMENDMENT APPLICATION
ROBERT & KATHY HUNKE

Union Gas

No comments received to date.

Waterloo Catholic School Board

No comments or concerns.

Waterloo Region District School Board

No comments or concerns.

Waterloo North Hydro

The property will require new meter bases and a new service mast in a new location. This will change the angle of the overhead conductors and will result in necessary tree branch trimming by the applicant.

Wellesley Township Heritage and Historical Society

No comments or concerns.

STAFF COMMENTS

Parking plan

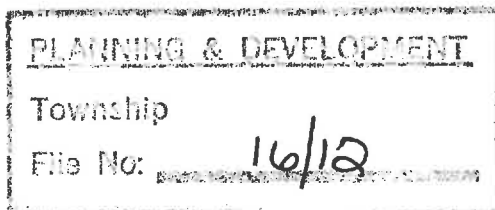
To date, the Township has not any comments in opposition to the proposed decrease in off-street parking spaces. Township Planning Staff concur with the Director of Operations that on-street competition for parking *may* become an issue here regardless of the number of spaces available off-street.

Township Planning Staff also concur with AECOM, who recommended that screening for headlights be considered to avoid headlights shining into neighbouring properties. The location and the nature of such screening will be determined after the configuration of the off-street parking is determined.

This change to the site-specific zoning on the subject property will provide the opportunity for a higher density development. According to Section 4.2.1 of the Township Official Plan (Range and Mix of Housing Types):

4.2.1 The Township will encourage a full range of housing types, tenures and densities in all designations where residential land uses are permitted in order to accommodate the needs of current and future residents. The Township will:

- a) Provide opportunities for residential intensification and redevelopment through conversion or infill, except where infrastructure is inadequate or there are significant physical constraints;*



OPA 01/11 & ZBA 04/11
ZONING BY-LAW AMENDMENT APPLICATION
ROBERT & KATHY HUNKE

22

- b) *Promote the efficient use of land in new residential developments and in redeveloping areas; and,*
- c) *Support and encourage innovative lot configurations and housing designs.*

It is Township Staff's position that the site-specific amendment to decrease the required off-street parking spaces is justified as the change will encourage a higher density housing development pursuant to Section 4.2.1 of the Township Official Plan.

Volume below grade

To date, the Township has not any comments in opposition to the proposed decreased above-grade volume of a habitable unit from 50% above grade to approximately 39% above grade. Provided that the applicants are able to comply with all relevant Ontario Building Code regulations, Township Planning Staff have no concerns regarding this part of the site-specific Zoning By-law Amendment.

CONFORMITY TO PROVINCIAL POLICIES

Township staff maintain that the subject applications conform to the Provincial Policy Statement

- a. BY creating an opportunity for new residential development within a settlement area which is appropriate for the *infrastructure* and *public service facilities* which are available, as per Section 1.1.3.2 a(2) of the Provincial Policy Statement;
- b. AND BY creating an opportunity for redevelopment of a site which has access to municipal sewage services and municipal water services as per Section 1.6.4.2 of the Provincial Policy Statement

Township staff maintain that the subject applications conform to Places to Grow

- a. BY creating an opportunity for new residential development in a settlement area which offers municipal water and wastewater services as per Section 2.2.2 1(j) of Places to Grow.
- b. AND BY creating an opportunity for residential intensification in the built-up area as per Section 2.2.2 1(j) of Places to Grow 2.2.3 6(b) of Places to Grow.

RECOMMENDATIONS:

THAT the Council of the Township of Wellesley adopt Official Plan Amendment No. 4 to the Township of Wellesley Official Plan to redesignate the lands known municipally as 3639 Nafziger Rd. (Plan 1148, Lt 66, Pt Lt 65, East Sec.) in their entirety, from

PLANNING & DEVELOPMENT	
Township	
File No:	16/12

OPA 01/11 & ZBA 04/11
 ZONING BY-LAW AMENDMENT APPLICATION
 ROBERT & KATHY HUNKE

Institutional to Urban Residential and approve the By-law to implement Official Plan Amendment No. 4 to the Township of Wellesley Official Plan;

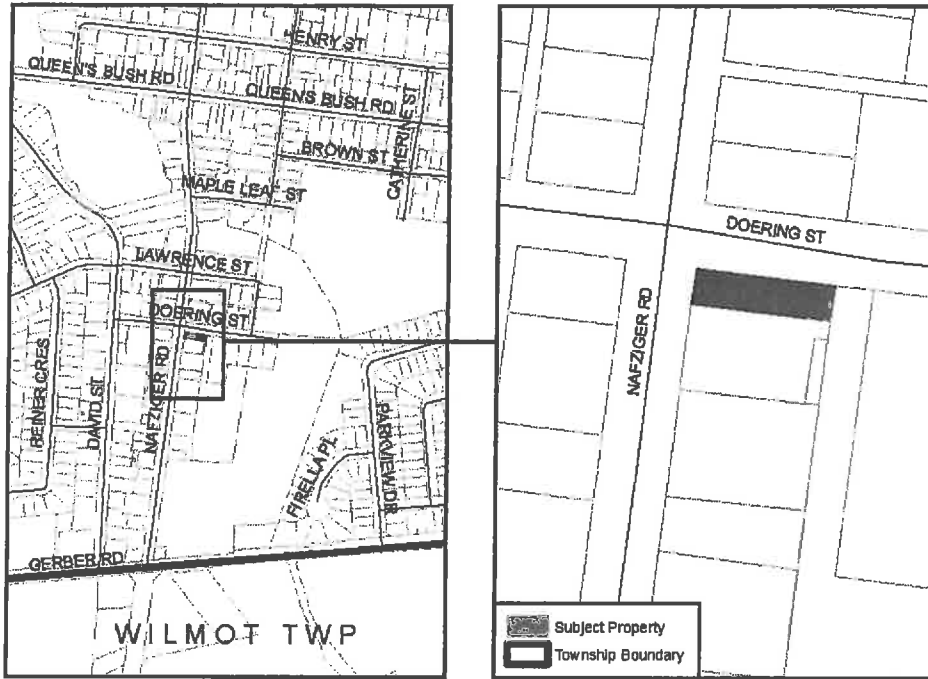
AND FURTHER THAT the Council of the Township of Wellesley adopt the By-law to implement Exception UR-12 to Section 9.10.12 of the Comprehensive Zoning By-law to rezone the lands known municipally as 3639 Nafziger Rd. (Plan 1148, Lt 66, Pt Lt 65, East Sec.) in their entirety, from *Institutional to Urban Residential*.

Sarah Peck, M.Sc.PL
Junior Planner
Township of Wellesley

PLANNING & DEVELOPMENT
Township
File No: 16/12

OPA 01/11 & ZBA 04/11
ZONING BY-LAW AMENDMENT APPLICATION
ROBERT & KATHY HUNKE

Key Map: 3639 Nafziger Rd., Plan 1148, Lt 66, Pt Lt 65, East Sec.



Approved by: Susan Duke, Executive Director Corporate/Clerk
February 2, 2012

PLANNING & DEVELOPMENT
Township
File No: 16/12

OPA 01/11 & ZBA 04/11
ZONING BY-LAW AMENDMENT APPLICATION
ROBERT & KATHY HUNKE

1.0 TITLE

This Amendment, when approved by the Regional Municipality of Waterloo, shall be known as:

**Amendment No. 4
To the
Official Plan
of the
Township of Wellesley**

2.0 PURPOSE OF THE AMENDMENT

The purpose of Amendment No. 4 to the Official Plan of the Township of Wellesley is to amend Map 4 of Township Official Plan (2003) by way of amending the designation of the subject lands from "Institutional" to "Urban Residential" to facilitate a duplex development and related accessory uses.

3.0 BACKGROUND

The applications for an Official Plan Amendment and Zoning By-law Amendment were made concurrently, first by Morningstar Family Ministries and were then taken over by Mr. and Mrs. Bob and Kathy Hunke. The subject property is legally known as Plan 1148, Lt 66, Pt Lt 65, East Section. The subject lands are located on the east side of Nafziger Rd. and on the south side of Doering St. in the Wellesley Urban Area.

The lands owned by the applicant are designated Institutional as per Township Official Plan (2003). The lands owned by the applicant are zoned Institutional pursuant to Township Zoning By-law 28/2006.

On November 7, 2011, the Council of the Township of Wellesley passed the motion authorizing Township staff to commence the preparation of planning documents to amend the Official Plan in order to change the designation of the subject lands from Institutional to Urban Residential.

The applicant is proposing permission to convert the existing building into a duplex.

Argument advances in favour of the change to the land designation are summarized as follows:

- a) All abutting properties are zoned Urban Residential.
- b) All abutting properties are designated as Urban Residential.
- c) The subject land is relatively small to accommodate an institutional use.
- d) Water and wastewater capacity for residential uses is available.
- e) There were no comments made in opposition by adjacent property owners and agencies to the proposed official plan amendment and zoning by-law amendment.

As required by the *Planning Act*, at least one public meeting is necessary for an Official Plan

PLANNING & DEVELOPMENT	
Township	
File No:	16/12

(26)

Amendment. The public meeting was held on November 7, 2011, at the Township of Wellesley Council Chambers. The proposal was introduced by Sarah Peck, Township Junior Planner. A description of the proposal was given. The policies of the Township Official Plan were discussed in relation to the application. Summaries of agency comments were provided.

In the Region of Waterloo comments dated October 31, 2011, Regional staff noted they have no objection to these applications. They advised the following:

A 7.62 metre daylighting triangle is required at the intersection of Nafziger Road (Regional Road No. 5) and Doering Street. The daylighting triangle will be required prior to final approval of the subject application. The land must be dedicated to the Region without cost and free of any encumbrances.

The owner/applicant must engage an Ontario Land Surveyor to prepare a draft reference plan which illustrates the required daylighting triangle. Prior to registering the reference plan, the OLS should submit a draft copy of the plan to the Transportation Planner responsible for the file. Four copies of the registered plan are to be given to the Region's Transportation Planner and three copies are to be given to the Region's Legal Assistant, Property. The owner/applicant's Solicitor will prepare the land transfer document and submit the document to the Region's Legal Department for registration.

Portions of the existing building may be located within the required daylighting triangle. As such, these items may be excluded from the daylighting triangle, including a 0.3 metre buffer. An encroachment agreement may be required for elements such as landscaping and pedestrian connections if located within the daylighting triangle area. Visual obstructions are not permitted within the daylighting triangle and as such, the existing tree and sign located within the daylighting triangle area will need to be removed.

The Owner/applicant is advised that due to the location of the daylighting triangle and the existing lot frontage, a new access will not be permitted from Nafziger Road (Regional Road No. 5).

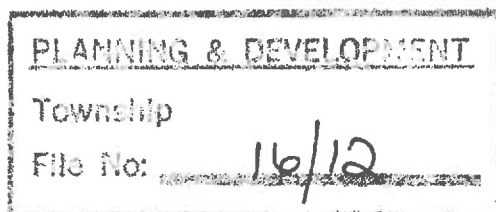
A Planning Report (P&D 125/11) was submitted to the Township of Wellesley Council where it received endorsement for the preparation of formal planning documents to implement the designation of Urban Residential to official Plan Map 4 Wellesley Urban Area.

2.0 SPECIFICS OF THE AMENDMENT

The following text constitutes Amendment No. 4 to the Official Plan of the Township of Wellesley.

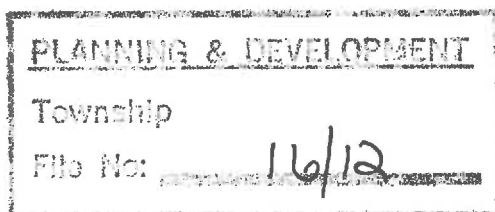
The Official Plan of the Township of Wellesley is amended as follows:

Map No. 4 Wellesley Urban Area – by amending the designation of the subject lands from Institutional to Urban Residential.



3.0 IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Official Plan of the Township of Wellesley.



OFFICIAL PLAN AMENDMENT NUMBER 4

Area of Amendment to amend Institutional to Urban Residential

SCHEDULE 'A'



 **TOWNSHIP OF WELLESLEY OFFICIAL PLAN**
MAP NO. 4 WELLESLEY URBAN AREA

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Note: This map forms part of the Official Plan of the Township of Wellesley and must be read in conjunction with the other maps and policies of this Plan

PLANNING & DEVELOPMENT
Township
File No: 16/12

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Grand River Conservation Authority
Resource Management Division
Lisa-Beth Bulford, Resource Planner

400 Clyde Road, P.O. Box 729
Cambridge, Ontario N1R 5W6
Phone: (519) 621-2761 ext. 2292
Fax: (519) 621-4945
E-mail: lbulford@grandriver.ca

PLAN REVIEW REPORT: **Township of Wellesley**
Alex Galloway

DATE: January 23, 2012 **YOUR FILE:** A9/11

GRCA FILE: ROW\Wellesley\2011\Sev-mv

PLANNING & DEVELOPMENT
Township
File No: 17/12

RE: Application for Minor Variance A7/11
4635 Ament Line
Part of Lot 8, Concession XII (East)

GRCA COMMENT*:

GRCA Staff have no objection to the approval of this application as proposed in the circulated material. Please note that a portion of this property is regulated by the GRCA as per Ontario Regulation 150/06 due to the presence of wetlands in the woodlot in the north east corner of the site.

Based on the proposed location on the circulated materials, it appears that a permit from the GRCA would not be required for the new building associated with this application. Please note that a permit from the GRCA would be required for any development proposed within the regulated portion of this property.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates the subject property contains wetland and its associated allowance. Consequently, a portion of the subject property is regulated by the Grand River Conservation Authority under Ontario Regulation 150/06 (Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses).

2. Legislative/Policy Requirements and Implications:

The Grand River Conservation Authority's Development, Alterations to Shorelines and Watercourses and Interference with Wetlands Regulation, prohibits development in or on the following areas:

- a) adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beaches, and within the 15 metre allowance,
- b) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse,
- c) hazardous lands;
- d) wetlands; or
- e) other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and wetlands greater

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30

than or equal to 2.0 hectares in size, and areas within 30 metres of wetlands less than 2.0 hectares in size, but not including those where development has been approved pursuant to an application made under the Planning Act or other public planning or regulatory process;

And prohibits alteration to:

- f) straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or watercourse or change or interfere in any way with a wetland prior to receiving written consent of the Grand River Conservation Authority.

It is our understanding that the applicant is requesting permission to establish a commercial grain milling operation at the above-stated property.

GRCA staff have no objection to the approval of this application.

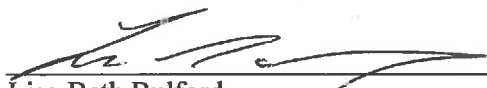
Please note that any future development or other alteration within the regulated area on the subject property will require prior written approval from the Grand River Conservation Authority. The permit process involves the submission of a Permit Application to this office, the review of the application by Authority staff, and the subsequent approval/refusal of the Permit Application by the Grand River Conservation Authority.

3. Plan Review Fees:

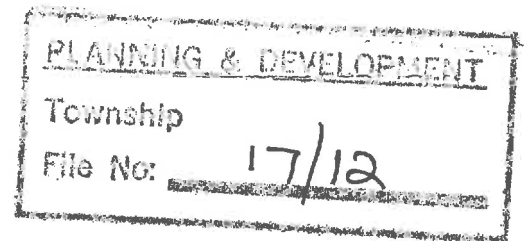
The General Membership of the Grand River Conservation Authority passed Resolution No. 122-01 on September 28, 2001 for the implementation of plan review fees in the Regional Municipality of Waterloo. The Grand River Conservation Authority will now apply a review fee for all new Planning Act applications within the Grand River Conservation Authority areas of interest received after October 1st, 2001.

The above noted application is within a Grand River Conservation Authority area of interest due to the presence of a wetland and its associated regulated allowance on this property. This application is considered a 'minor' minor variance application. The GRCA Plan Review Fee for this type of application is \$250.00. With a copy of this correspondence, the applicant will be invoiced in the amount of \$250.00 for the provision of plan review.

If you should have any further questions, please do not hesitate to call the undersigned at ext. 2292.



Lisa-Beth Bulford
Resource Planner
Grand River Conservation Authority
LB



cc. (applicant) David E. M. Martin, 4635 Ament Line, R.R.#3, Wallenstein, N0B 2S0

** These comments are respectfully submitted as advice and reflect resource concerns within the scope and mandate of the Grand River Conservation Authority.*

4635 Ament Line

- LEGEND**
- WATERSHED BOUNDARY (GRCA)
 - UTILITY LINE (NRVIS)
 - ROADS-ADDRESSED (MNR)
 - RAILWAY (NRVIS)
 - WATERCOURSE - DRAFT (GRCA)
 - PARCELS-ASSESSMENT (MPAC)
 - FLOODPLAIN (GRCA)
 - ENGINEERED
 - APPROXIMATE
 - ESTIMATED
 - WETLAND (GRCA)
 - SLOPE VALLEY (GRCA)
 - STEEP
 - OVERSTEEP
 - SLOPE EROSION (GRCA)
 - STEEP
 - OVERSTEEP
 - TOE
 - REGULATION LIMIT (GRCA)
 - 2010 ORTHO (ONT)

PLANNING & DEVELOPMENT
 Township
 File No: 17/12

GRCA Disclaimer

This map is for illustrative purposes only. Information contained hereon is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to:

http://grins.grandriver.ca/docs/Sources_Citations.htm



THIS MAP IS NOT TO BE USED FOR NAVIGATION