# REPORT SUMMARY

**OWNER, APPLICANT or AGENT SHOULD ATTEND THE CONSIDERATION OF THIS APPLICATION**

**Date of Consideration:** **November 13, 2014** **TIME: 9:10 a.m.**

**File Number:** **B90/14**

**Applicant:** **Jason Oakes**

**Subject Lands:** TOWNSHIP OF WELLINGTON NORTH (Mount Forest) – Part Park Lot 4, S/S of Wellington Street

**Proposal is a request for consent to convey** fee simple for a proposed severance 13.62m fr x 38.1m = 518 square metres in the TOWNSHIP OF WELLINGTON NORTH (Mount Forest) – Part Park Lot 4, S/S of Wellington Street, vacant land for proposed urban residential use; retained lands are 709 square metres.

**ISSUES:** neighbour concerns

## SUMMARY of FILED REPORTS and COMMENTS:

**Township of Wellington North** - in support of application; conditions to be apply

**County Planning** - lot is located within Mount Forest Urban Centre and is consistent with the Provincial Policy Statement; generally conforms to the Official Plan – Residential; zoning relief for reduced frontage and reduced interior side yard; conditions to be addressed

**Conservation Authority (Saugeen Valley)** – no objections

**Others:** – opposed to application; **request notification of consideration and decision**

11. Harold & Caroline Wollis, 482 Wellington St. E, Mount Forest ON N0G 2L2
12. Kimberly Wilson, 492 Wellington St. E, Mount Forest ON N0G 2L2
13. Wayne Robinson & Miranda Watterworth, 494 Wellington St. E, Mount Forest ON N0G 2L2
14. Jay Benjamin, 475 Wellington St. E, Mount Forest ON N0G 2L2
15. Claus & Karen Rave, 481 Wellington St. E, Mount Forest ON N0G 2L2
16. Cheryl Stevens, 491 Wellington St. E, Mount Forest ON N0G 2L2
17. Bryan & Candice Tansley, 493 Wellington St. E, Mount Forest ON N0G 2L2
18. David & Donna Meyer, 495 Wellington St. E, Mount Forest ON N0G 2L2
19. William Parkhouse, 497 Wellington St. E, Mount Forest ON N0G 2L2
20. Harry Engel (470 Wellington Street East Mt Forest ON N0G 2L2)

## ***PROPOSED CONDITIONS of APPROVAL***

**1) THAT** the Owner's solicitor, in preparation for the issuance of the Certificate of Consent, provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee a printed copy of the "completed electronic transfer document in preparation".

**2) THAT** the Solicitor for the Owner give an undertaking in writing to provide to the Secretary-Treasurer of the County of Wellington Planning and Land Division Committee within 30 days of the date of registration in the Land Registry/Land Titles Office for Wellington (No. 61) a copy of the receipted and registered electronic transfer document for Consent B90/14.

**3) THAT** the Owner, as provided for under Section 69 of the Planning Act, R.S.O. 1990, shall pay to the Treasurer of the County of Wellington the administrative fee which is in effect at the time of the payment of the fee for the review for and issuance of the Certificate of Consent for the severed parcel.

**4) THAT** the transfer for registration with respect to description complies with Ontario Regulation 43-96; and if that description contains a reference to a Reference Plan(s), the Owner's solicitor **shall provide a full print of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.

**5) THAT** the Owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the severed parcel; and further that the applicable authority file a letter of clearance of this condition with the Secretary-Treasurer of the Planning and Land Division Committee as written proof of fulfillment of this condition.

**6) THAT** the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of Consent for the proper and orderly development of the subject lands; and further that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**7) THAT** the Owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act, R.S.O. 1990; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**8) THAT** the Owner receive zoning compliance and classification from the Local Municipality in a manner deemed acceptable by the Local Municipality to address deficient frontage on severed lot; and that the Local Municipality file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

**9) THAT** the Owner demonstrate that the accessory building will meet the proposed side yard setback or receive zoning compliance for side yard setback to the satisfaction of the Township of Wellington North; and further that the Township of Wellington North file with the Secretary-Treasurer of the Planning and Land Division Committee a letter of clearance of this condition.

*****Conditions may be deleted, added to, or changed at meeting*****

**County of Wellington Planning and Land Division Committee**
**Deborah Turchet, Secretary-Treasurer**
**Wellington County Administration Centre**
**74 Woolwich Street, Guelph, ON N1H 3T9**

October 30, 2014

**NOTICE OF CONSIDERATION IN PUBLIC FORUM**

**Pursuant to SECTION 53 of the ONTARIO PLANNING ACT and applicable Regulations**

**with respect to Application for consent,**

**File B90/14**

**APPLICANT**

Jason Oakes
325 Dublin St.
Mount Forest ON N0G 2L2

**LOCATION OF SUBJECT LANDS:**

WELLINGTON NORTH (Mount Forest)
Part Park Lot 4, S/S Wellington St.
480 Wellington St. E

Proposal is to sever a lot 13.62m fr x 38.1m = 518 square metres (Parcel B on sketch) vacant land for proposed urban residential use.

Retained parcel is 18.61m fr x 38.1m – 709 square metres (Parcel A on sketch) existing and proposed urban residential use with existing dwelling.

AND FURTHER TAKE NOTICE that the Committee has appointed **THURSDAY, November 13, 2014**

**AT 9:10 a.m.** for the purpose of considering this matter.

**CONSIDERATION WILL BE HELD IN THE:** 3A (Keith Room)
County of Wellington Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

**NOTICE** is being sent to you for your information. **THE OWNER, APPLICANT OR AUTHORIZED AGENT, OR AUTHORIZED SOLICITOR SHOULD ATTEND THIS CONSIDERATION**. Any person may be represented by counsel who has been duly authorized for that purpose.

**Even if the owner/applicant does not attend, the Committee will consider the application as scheduled, and the applicant, except as otherwise provided in the Planning Act, will not be entitled to any further notice in the Proceedings.**

**Please also be advised** that if a person or public body that filed an appeal of a decision of the County of Wellington Planning and Land Division Committee in respect of the proposed consent has not made written submission to the County of Wellington Planning and Land Division Committee before it gives or refuses to give a provisional consent, then the Ontario Municipal Board may dismiss the appeal.

A Copy of the **DECISION** of the Committee will be sent **to the applicant, and to each person or agency who filed with the Secretary-Treasurer a written request for Notice of Decision.**

**Additional Information** regarding the application is available to the public during regular business hours, Monday to Friday at the County of Wellington Planning and Land Division Office - 74 Woolwich St. Guelph ON N1H 3T9

Phone - (519) 837-2600 x2170 Fax – (519) 837-3875

To view comments for this application on our website www.wellington.ca follow these steps:

- ⇨ **Government**
- ⇨ **Council and Standing Committees**
- ⇨ **Land Division Committee**
- ⇨ **choose month & year in drop down menus**
- ⇨ **Choose Land Division Committee in the drop down menu**
- ⇨ **open appropriate agenda**

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TO: **Agent – Bruce Fulcher**
1. Harold & Caroline Wollis, 482 Wellington St. E, Mount Forest ON N0G 2L2
2. Kimberly Wilson, 492 Wellington St. E, Mount Forest ON N0G 2L2
3. Wayne Robinson & Miranda Watterworth, 494 Wellington St. E, Mount Forest ON N0G 2L2
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10. Harry Engel (470 Wellington Street East Mt Forest ON N0G 2L2)

RECEIVED
OCT 21 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

**MUNICIPALITY COMMENTING FORM**

The Planning and Land Division Committee, in considering the following application, respectfully requests input from the municipality. The Application and Sketch are enclosed for your information.

**FILE NO: B90/14**

**APPLICANT**

Jason Oakes
325 Dublin Street
MOUNT FOREST, ON NOG 2L2

**LOCATION OF SUBJECT LANDS**

WELLINGTON NORTH (Mount Forest)
Part Park lot 4, S/S Wellington St
480 Wellington St E

Proposed is to sever a lot 13.62m fr x 38.1m = 518 square metres (Parcel B on sketch) vacant land for proposed urban residential use.

Retained parcel is 18.61m fr x 38.1 = 709 square metres (Parcel A on sketch) existing and proposed urban residential use with existing dwelling.

***PLEASE PROVIDE COMPLETE PROPERTY ASSESSMENT ROLL NUMBER: 23 49 000 002 02200 0000***

Does this description reasonably describe the parcel holdings? YES ( X ) NO ( )

If the answer is no, please provide new information: _____

Do you consider the proposal to conform to your Official Plan? YES ( ) NO ( )

What Section(s) does it conform to or contravene? (Please specify)

_____

_____

Will the Severed Parcel comply with all requirements of the Zoning By-law? YES ( ) NO ( X )

**(Please Specify)** Section 11 of Bylaw 66-01

Will the Retained Parcel comply with all requirements of the Zoning By-law? YES ( ) NO ( X )

**(Please Specify)** Section 6.1 of By-law 66-01

If Necessary, would the Municipality be prepared to consider an **Amendment** to the Zoning By-law to permit the proposal to conform? YES ( ) NO ( ) N/A ( ) or **Minor Variance** YES ( ) NO ( ) N/A ( )

Is proposal on an opened maintained year-round public road YES ( X ) NO ( )
If answer is NO, is municipality willing to enter into an agreement regarding use of the seasonal road, or opening up the road?

**Please specify** _____

_____

Is the Proposed Lot(s) serviced now by the Municipal Water YES ( ) NO ( )

Is the Retained Lot serviced now by Municipal Water YES ( ) NO ( )

Is the Proposed Lot(s) serviced now by the Municipal Sewers YES ( ) NO ( )

Is the Retained Lot serviced now by Municipal Sewers YES ( ) NO ( )

Water/sewer serviced on street, not aware if services have been brought to property line.

Is there a **Capital Works Project** underway to service these lots in the near future YES ( ) NO ( )

**Approximate Time of Servicing Availability:** _____

Are there any other servicing arrangements, Municipal easements <u>or</u> Municipal Drains on the subject lands?

Continued to Page 2

## MUNICIPALITY COMMENTING FORM

**FILE NO: B 90 /14**

Is the Municipality's Building Official satisfied that there is a sufficient site on the severed parcel for individual well and septic services?

YES ( ) NO ( )

N/A

Is there any further Information that may assist the Planning and Land Division Committee?
(A letter may be attached if there is insufficient space to explain)

Is the Municipality in support of this application? **YES (X) NO ( )**

What Conditions, if any, are requested by the Municipality if the Consent is granted?

THAT the owner shall receive zoning relief for deficient frontage on the severed lot.

THAT the owner must demonstrate that the accessory building will meet the proposed side yard setback or receive zoning compliance for side yard setback.

THAT owner receive approval from the applicable road authority in a manner deemed acceptable to that road authority for an entrance to the severed parcel .

THAT the owner satisfy the requirements of the Local Municipality in reference to parkland dedication as provided for in the Planning Act R.S.O. 1990.

THAT the Owner satisfy all the requirements of the local municipality, financial and otherwise which the local municipality may deem to be necessary at the time of issuance of the Certificate of consent for the proper and orderly development of the subject lands.

*THAT the owner* receives approval from the applicable road authority for entrance on severed property.

Does the Municipality request a Notice of Decision? YES ( X ) NO ( )

SIGNATURE: Lacey Brown

TITLE: Deputy Clerk

ADDRESS: 7490 Sideroad 7 W., Kenilworth, ON NOG 2EO

DATE: October 21, 2014

**Planning and Development Department | County of Wellington**
County Administration Centre | 74 Woolwich Street | Guelph ON N1H 3T9
T 519.837.2600 | F 519.823.1694

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OCT 21 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

| | |
|---|---|
| **Application** | B90/14 |
| **Location** | Part Park Lot 4, S/S Wellington St.<br>TOWNSHIP OF WELLINGTON NORTH |
| **Applicant/Owner** | Jason Oakes |

**PLANNING OPINION:** This application would sever a vacant 518 m² (5,575 ft²) residential lot in the urban centre of Mount Forest. A 709 m² (7,631 ft²) lot will be retained with an existing dwelling.

This application is consistent with Provincial Policy and would generally conform to the Official Plan. We would have no concerns, provided that the following matters are addressed as conditions of approval:

a) That zoning compliance be achieved for the severed and retained lots to the satisfaction of the local municipality; and,
b) That safe drive way access be provided to the subject property to the satisfaction of the local municipality; and,
c) That servicing can be provided to the site to the satisfaction of the local municipality.

**PLACES TO GROW:** The Places to Grow policies place an emphasis on intensification and optimizing the use of existing land supplies. Under section 2.2.2.1 which deals with managing growth it states, "population and employment growth will be accommodated by focusing intensification in intensification areas". Intensification is defined as "the development of a property, site or area at a higher density than currently exists through,.....b) the development of vacant and/or underutilized lots within previously developed areas; or c) infill development".

**PROVINCIAL POLICY STATEMENT (PPS):** Section 1.1.3 of the Provincial Policy Statement directs growth to occur within settlement areas. The proposed lot creation is located within the Mount Forest Urban Centre and is consistent with the PPS.

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject property is designated RESIDENTAL and is located in the Urban Centre of Mount Forest. Section 10.6.2, states that new lots may be created in Urban Centres provided that the lands are appropriately zoned. Lots may be created for a variety of community uses subject to the policies of this plan. Lot creation will normally proceed by plan of subdivision and will be based on the provisions of full urban services, wherever such services are available. We are satisfied that a plan of subdivision is not necessary for the creation the proposed lot.

The matters under Section 10.1.3 were also considered.

**LOCAL ZONING BY-LAW:** The subject property is currently zoned Low Density Residential (R1C). The severed lot would require zoning relief for a reduced frontage of 13.62 m (44.6 ft.), whereas the by-law requires a minimum of 15 m (49.2 ft.). Further zoning relief would be required on the retained parcel for a reduced interior side yard of 3.07 m (10 ft.), whereas the By-law requires a minimum of 3.7 m (12.1 ft.). The minimum lot area requirements appear to be met for both lots.

**SITE VISIT INFORMATION:** The subject property was not visited.

Jameson Pickard

Jameson Pickard, Junior Planner
October 21st, 2014

1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (debt@wellington.ca)

October 20, 2014

County of Wellington Planning and Land Division Committee
Wellington County Administration Centre
74 Woolwich Street
Guelph, ON
N1H 3T9

RECEIVED
OCT 20 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

ATTENTION: Deborah Turchet, Secretary – Treasurer

Dear Ms. Turchet,

RE: Application for Consent B90/14
480 Wellington Street East
Part Park Lot 4, S/S Wellington Street
Geographic Town of Mount Forest
Township of Wellington North (Jason Oakes)

The Saugeen Valley Conservation Authority (SVCA) has reviewed this proposal in accordance with the SVCA's mandate and the policies and the Memorandum of Agreement between the Authority and County of Wellington related to plan review. The purpose of this application for consent is to sever a vacant lot for proposed urban residential use. The application for consent is acceptable to the SVCA. We offer the following comments

There are no natural hazards or significant natural heritage features affecting the subject property.

All of the plan review functions listed in the Agreement have been assessed with respect to this proposal. The Authority is of the opinion that this application for consent conforms to the relevant policies of the County of Wellington Official Plan, and Provincial Policies referred to in the Agreement.

We trust these comments are helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Valerie Lamont

Valerie Lamont
Environmental Planning Technician (Acting)
Saugeen Conservation

VL\

cc: Jana Poechman, Wellington County (via email)
Terry Fisk, SVCA Director (via email)
Jason Oakes, Applicant (325 Dublin Street, Mount Forest, ON, N0G 2L2)

SEPT.23, 2014

To: Wellington County planning and land division committee

In regards to the notice of application for consent File No.B90/14 (Mr. Jason Oakes) I am opposed for the following reasons:

1) The proposed severance would produce a lot with a 44.7' frontage. With current legal setbacks for new construction this would only allow for a 36.7' "buildable" frontage including a driveway. This would not suit the rest of the neighborhood as all the homes are on 60' wide lots (average).
2) The house and property under consent was purchased by Mr. Oakes with full knowledge that it was not a double lot. How is he now able to apply for a severance to create two lots, regardless of this previous knowledge? Does this set precedence for similar properties?
3) The lot under consent has a substantially lower elevation than the two neighboring homes (I'm estimating a 4' difference). The current appearance of this substantial elevation difference is acceptable considering the large property; however, a new lot with a house would have to comply with current elevations for proper drainage. This would only accentuate the elevation difference further on the remaining lot, having the appearance of a house in a hole. This will not be good for surrounding property esthetics and values.
4) How will the higher elevation on the proposed lot affect the drainage on the existing house? The property under consent already has a drainage issue. Severing the lot and potentially building a new house on it will definitely affect and challenge the drainage issues on the remaining property.

I request to be informed of the date and time of the consideration and the board's decision.

Sincerely,

Harry Engel

470 Wellington St.E.

Mount Forest, On, N0G2L2

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SEP 30 2014

SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

RECEIVED
OCT 20 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

To: Wellington County planning and land division committee

In regards to the notice of application for consent File No.B90/14 (Mr. Jason Oakes) we are opposed for the following reasons:

1) The proposed severance would produce a lot with a 44.7' frontage. With current legal setbacks for new construction this would only allow for a 36.7' "buildable" frontage including a driveway. This would not suit the rest of the neighborhood as all the homes are on 60' wide lots (average).

2) The house and property under consent was purchased by Mr. Oakes with full knowledge that it was not a double lot. How is he now able to apply for a severance to create two lots, regardless of this previous knowledge? Does this set precedence for similar properties?

3) The lot under consent has a substantially lower elevation than the two neighboring homes (estimating a 4' difference). The current appearance of this substantial elevation difference is acceptable considering the large property; however, a new lot with a house would have to comply with current elevations for proper drainage. This would only accentuate the elevation difference further on the remaining lot, having the appearance of a house in a hole. This will not be good for surrounding property esthetics and values.

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We request to be informed of the date and time of the consideration and the board's decision.

Sincerely,

| | |
|---|---|
| Carolyn + Harold Wollis | 482 Wellington St E. Mount Forest, ON N0G2L |
| Kim Wilson | 492 Wellington St E Mt. Forest N0G. |
| Donna + Dave Meyer | 495 Wellington St. E Mt Forest N0G |
| Bryan + Candice Tansley | 493 Wellington st E. Mt Forest Ont N0G |
| Cheryl + Dave Stewart | 491 Wellington St. E. Mt Forest, ON |
| Wayne + Miranda Robinson WAYNE + MIRANDA ROBINSON | 494 Wellington St. E. Mt Forest, ON N0G2L |
| Tammy Stantz | 496 Wellington E Mount Forest |
| K. Rove | 481 Wellington E Mount Forest |
| J. B (J. Benjamin) | 475 Wellington E MT. F |
| W. B. PARKHOUSE | 497 Wellington St E Mt Forest |

– all postal codes are: N0G 2L2