# REPORT SUMMARY

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

**Date of Consideration:** **November 13, 2014** **TIME: 10:55 A.M.**

**File Number:** **B135/10**

**Applicant:** **Kevin Harrigan & Kerry Boyle**

**Subject Lands:** TWP OF CENTRE WELLINGTON (Fergus) – Part Lots 15 & 17, Plan 71 (Nichol)

**Proposal is a request for consent to convey** fee simple for a proposed severance ***revised sketch – 0.685 hectares with 10.67m frontage (Part 1 on sketch)*** for proposed residential use in the Township of Centre Wellington (Fergus) – Part Lots 15 & 17, Plan 71 (Nichol); retained lands ***32.31m fr x 43.14m = 0.139 hectares (Part 2)***

**ISSUES:** neighbour notification

## REQUEST IS A MODIFICATION OF CONDITIONS OF APPROVAL OF PROVISIONAL CONSENT GRANTED ON JANUARY 9, 2014

**ISSUES:** Need for additional time to fulfill conditions

***ORIGINAL CONDITION NO. 4 OF APPROVAL***

**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.

***PROPOSED MODIFIED CONDITION NO. 4 OF APPROVAL***

**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 *two (2)* full prints of that deposited reference plan(s)** to the secretary-treasurer of the Planning and Land Division Committee.

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

November 13, 2014

**NOTICE OF CONSIDERATION IN PUBLIC FORUM – CHANGE OF CONDITIONS**

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

**with respect to Application for consent,**

**File B135/10**

| **APPLICANT** | | **LOCATION OF SUBJECT LANDS:** |
|---|---|---|
| Kevin Harrigan | Kerry Boyle | CENTRE WELLINGTON (Fergus) |
| 140 Sideroad 19 | Apt. 621 – 324 Cambridge St. N. | Part Lots 15 & 17 |
| Fergus ON N1M 2W3 | Ottawa, ON K1R 7B5 | Plan 71 - Nichol |

Proposal is to sever an irregular shaped lot ***revised sketch – 0.685 hectares with 10.67m frontage (Part 1 on sketch)*** for proposed residential use, with 2 existing sheds. Subject to Hydro Easement Reg. Inst #G17-8880.

Retained parcel is ***revised sketch – 32.31m fr x 43.14m = 0.139 hectares (Part 2)*** existing and proposed residential use with existing house. Subject to Hydro Easement Reg. Inst #G17-8880.

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

**AT 10:55 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

*County of Wellington Planning and Land Division Committee*

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TO: **Applicant – Kevin Harrigan & Kerry Boyle** **Agent – Brian Beatty**
**Others:**

Stewart & Kathy Ladd (6533 Beatty Line, Fergus N1M 2W3)
David & Joanie McCormick (0119 Sideroad 19, Fergus N1M 2W3)
Frances Norlen (0126 Sideroad 19, Stn Main, Fergus N1M 2W3
Terry Godreau & Melissa Seagrove (0132 Sideroad #19, Fergus, N1M 2W3)
Bill & Cheryl Rowe (0121 Sideroad 19, RR#1 Fergus ON N1M 2W3)
Ron & Inez Wilkin (131 Sideroad 19, RR#1 Fergus ON N1M 2W3)
Ann J. Annett (6535 Beatty Line North R. R. #1 Fergus N1M 2W3)

BLACK, SHOEMAKER, ROBINSON & DONALDSON
LIMITED

BSR&D Ontario Land Surveyors
Urban and Rural Planners

351 Speedvale Avenue West
Guelph, Ontario N1H 1C6

TEL: 519-822-4031
FAX: 519-822-1220

September 4, 2014

Project No.: 10-8631

Corporation of the
County of Wellington
74 Woolwich Street,
Guelph, Ontario
N1H 3T9

Attention: Mrs. Deborah Turchet

Dear Mrs. Turchet:

Re: **Request for Change of Conditions (#4)** - Proposed Residential Severance **(Application B135/10)**, Part Lots 15 & 17, Plan 71 (Nichol), Township of Centre Wellington (Fergus), County of Wellington

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We wish to inform staff and members of the Planning and Land Division Committee that we require additional time to satisfy the conditions of the above referenced severance.

We therefore formally request a change in Condition 4) to read:

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 two full prints of that deposited reference plan(s)** to the Secretary-Treasurer of the Planning and Land Division Committee.

Please find enclosed a cheque for the required fee for this change in condition and contact me if you have any questions or comments.

Yours very truly

BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED

RECEIVED
SEP 03 2014
SECRETARY TREASURER
WELLINGTON COUNTY
LAND DIVISION COMMITTEE

Brian Beatty, B.A.A., M.U.R.PL
Planner

cc. Kevin Harrigan, 140 Sideroad 19, Fergus, ON N1M 2W3
Kerry Boyle, Apt. 621 – 324 Cambridge St. N., Ottawa, ON K1R 7B5

I. D. ROBINSON, B.Sc., O.L.S., O.L.I.P. K. F. HILLIS, B.Sc., O.L.S., O.L.I.P. N. C. SHOEMAKER, B.A.A., M.C.I.P., R.P.P.
A. B. DONALDSON, O.L.S., O.L.I.P. ARIE LISE, O.L.S., O.L.I.P., Dipl.T. BRIAN BEATTY, B.A.A., M.U.R.PL C. V. YOUNG, C.S.T.
S. W. BLACK, O.L.S. (1917 - 2007) R. L. SHOEMAKER, O.L.S. (1923-2008) W. F. ROBINSON, O.L.S. (1924-2010)

**APPLICATION REVISION - ON APPLICATION B135/10**

| **APPLICANT** | | **LOCATION OF SUBJECT LANDS:** |
|---|---|---|
| Kevin Harrigan<br>140 Sideroad 19<br>Fergus ON N1M 2W3 | Kerry Boyle<br>Apt. 621 – 324 Cambridge St. N.<br>Ottawa, ON K1R 7B5 | CENTRE WELLINGTON (Fergus)<br>Part Lots 15 & 17<br>Plan 71 - Nichol |

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**COMMITTEE MEMBERS PRESENT: Chris White, Warden; Lou Maieron - Chairman**
**John Green, Bruce Whale, Shawn Watters**

**DATE: January 9, 2014**

**Appearing Before the Committee:** Kevin Harrigan– owner; Bruce Donaldson – Agent
Linda Redmond – P&D Staff; Neighbours – Bill Rowe; David McCormick & Melissa Seagrove

**Public Hearing Notes:** Land Division Committee considered aerial views and pictures of the site and written reports; Originals applications were for two flag shaped lots – County not in support; revised to one flag shaped lot - Application B136/10 – Withdrawn; Township and County in support B. Donaldson – Tree saving plan done and siting of house on proposed; retain as many trees as possible to keep a buffer between existing homes and proposed; services on County Road 19 – three laterals put in; existing is connected; services are available; no private services needed; the existing well and septic has been decommisioned; M. Seagrove – unnatural way to divide land and will create a mess in area if others do this; D. McCormick – this is a tax grab to get two houses for taxes; not natural to have a house behind a house; creating conjestion in neighbourhood; J. Green – we do not make tax grabs; we receive application for consideration; D. McCormick – feel this application is wrong – setbacks for flag lots – maximum set backs; L. Redmond – Township has not established setbacks – this application goes to Centre Wellington for zoning; L. Maieron – Land Division does severance; Township does zoning; urban intensification – Province sets forward intensificaiton; lot has possiblity of intensification; if application approved today as good planning then the zoning goes to the township; S. Watters – there are flag shaped lots in area; not originally in support as thwo lots but now with one; there is flag shape in area; now on services; provincial policies engcourages; M. Seagrove – there are flag shape in area – creek; S. Watters – good planning; we as a committee agree that two lots are not acceptable – now one; there are others in Fergus; D. McCormick – doesn't make good planning; L. Maieron – Township and County not in agreement of two lots; now 1 lot and in support; Committee has not made a decision yet; Zoning at Township issue; our issue is with the Planning Act; looking at map see that neighbour could split and put in new lot; B. Donaldson - represented several people over the years – Hwy 6 and Beatty Line – always concerns by neighbours; subdivision close to Hwy 6 and understood don't want a subdivision withing this area; to provide development with no impact – this flag loot would meet services and buffers existing area; that is why a flag shaped lot and not a subdivision;_ B. Rowe – Sider Road 18 – Beusik – made 100' lots; argument not good; L. Maieron – reviewed conditions – if approve today or not – conditions cover issues; we deal with Planning Act;

Chairman Lou Maieron explained the conditions that were requested for approval of this consent application, the procedures for appeal of the Committee's decision to the OMB, and that there is only one year within which to fulfill all the conditions; and then asked the applicant and agent if they understood the conditions and agreed to abide by them, and if they were sure of the dimensions of the severed parcel.

Applicant and Agent understood and concurred with the explanations and conditions and agreed to abide by them as stated by Chairman, Lou Maieron.

**For Comments and Summary Report Considered - See Summary Report Page**

**DECISION - PROVISIONAL CONSENT GRANTED SUBJECT TO ELEVEN CONDITIONS OF APPROVAL -** See Decision Page for particulars