



The Corporation of The Township of Bonfield

**COMMITTEE OF ADJUSTMENT
TO BE HELD September 10th, 2024, AT 6:30 P.M.**

1. Open Meeting
2. Adoption of Agenda
3. Disclosure of Pecuniary Interests
4. Presentations from the public
5. Minor Variance Application:
 - a. A2/2024 769 Trunk Road, Wilkie
6. Adjournment

Small Community, Big Heart





TOWNSHIP OF BONFIELD
APPLICATION FOR MINOR VARIANCE
OR FOR PERMISSION
Planning Act, R.S.O. 1990. C. P.13

File No.: AZ-2024

Received: _____

The Undersigned hereby applies to the Committee of Adjustment for the Township of Bonfield under section 45 of the Planning Act, 1990 for relief, as described in the application, from By-Law No. 2000-08

PROPERTY INFORMATION					
Property Address:	Street No.	Street Name:			
	769	TRUNK RD.			
Registered Plan:					
Lot:	LOT 24				
Legal Description:	PCL 25036 SEC NIP PL LOT 24 CON 9				
Concession/ Pt Lot:	CON 9 LOT 24				
Tax Roll Number:					
OWNER/ APPLICANT INFORMATION					
Select one	<input checked="" type="checkbox"/> Person			<input type="checkbox"/> Company	
Registered Land Owner	Surname: WILKIE		First Name: DANIEL		
Company Name	(Company ONLY)				
Application Contact	Surname: WILKIE		First Name: DANIEL		
Address	Street No:	Street Name:			
	194	FAIRLEIGH AVE. S.			
City	HAMILTON	Province:	ONTARIO	Postal Code:	L8M2K5
Telephone				Fax:	
AGENT INFORMATION					
Firm					
Application Contact	Surname:		First Name:		
Address	Street No:	Street Name:			
City		Province:		Postal Code:	
Telephone				Fax:	
MORTGAGEES, HOLDERS OF CHARGES OR OTHER EMCUMBRANCES					
Institution/ Company					
Contact Reference	Surname:		First Name:		
Address	Street No:	Street Name:			
City		Province:		Postal Code:	
Telephone				Fax:	

(RURAL)	LINE
ASKING FOR 3M FROM REAR PROPERTY	
TO ACCOMIDATE 24'X36' RESIDENCE	
CLOSE TO (HYDRO PEDASTAL)	

2.

Why is it not possible to comply with the provisions of the by-law?
KEEP THE RESIDENCE AS FAR BACK FROM NOISE AN TRAFFIC ON TRUNK RD
PRIVACY PLUS, TO CLOSE TO WATER COLLECTION AREA

3. Provide the date of the acquisition of the property: JULY 10 | 23

4. Provide the date of the construction of all buildings/ structures: 2024 - 25

5. What is the existing use of the property: RESIDENTIAL

6. Provide the length of time the existing uses of the property have continued: JULY / 2023

7. Provide the existing uses of the abutting properties: VACANT LAND & FARM

8. Dimensions of the property affected:

Property Dimensions	Metric	Imperial
Frontage:		315'
Depth:		340'
Area:		2.46 AC.

9. Describe the particulars of all buildings and/ or structures on the existing and the proposed for the subject property:

Building/Structure Particulars	Existing	Proposed
Accessory Structure:	STORAGE SHED	
Ground Floor Area (including garage, if applicable):	WOOD SHED TOOL SHED	
Ground Floor Area (excluding garage, if applicable):		
Height:		
Width:		
Length:		
Number of Storeys:		
Please identify side yard setback by minimum distance of the lot lines and which geographical direction (i.e., east, west, etc.)	Existing	Proposed
Front Yard Setback:		309' FRONT SOUTH
Rear Yard Setback:		9'9" NORTH BACK
Side Yard Setback:		197' WEST SIDE
Side Yard Setback:		82' EAST SIDE

10. Check the appropriate box respecting the availability of Municipal Services:

Source of Water/Sewer:	YES	NO
Municipal Water		<input checked="" type="checkbox"/>
Sanitary Sewers		<input checked="" type="checkbox"/>
Storm Sewers		<input checked="" type="checkbox"/>
Well		<input checked="" type="checkbox"/>

11. Check the appropriate box respecting access to the property:

Source of Access:	YES	NO
Provincial Highway		<input checked="" type="checkbox"/>
Municipal Road	<input checked="" type="checkbox"/>	
Other Public Road		<input checked="" type="checkbox"/>
Water Access Only		<input checked="" type="checkbox"/>

If access is by water only, indicate the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land and the nearest public road:

12. What is the Parent Zoning By-Law number? 201249

16. Is the subject property part of a current application for consent ~~under~~ section 53 of the Planning Act, R.S.O. 1990 (as revised)? Yes No

AUTHORIZATION OF OWNERS

I/We, DANIEL ROBERT WILKIE the undersigned,
hereby authorize _____
(print full name, including company)

to submit the enclosed application to the Committee of Adjustment of the Corporation of the Township of Bonfield, and to appear on my/our behalf at any hearing(s) of the application, and further, to provide any information or materials required by the Committee relevant to the application.

Signature(s): _____

at the: _____
(Township)

this _____ day of _____, _____
(Day) (Month) (Year)

DECLARATION

I/We, _____

of the _____
(Township)

in the of _____
(District)

Solemnly declare that all the statements contained in this application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

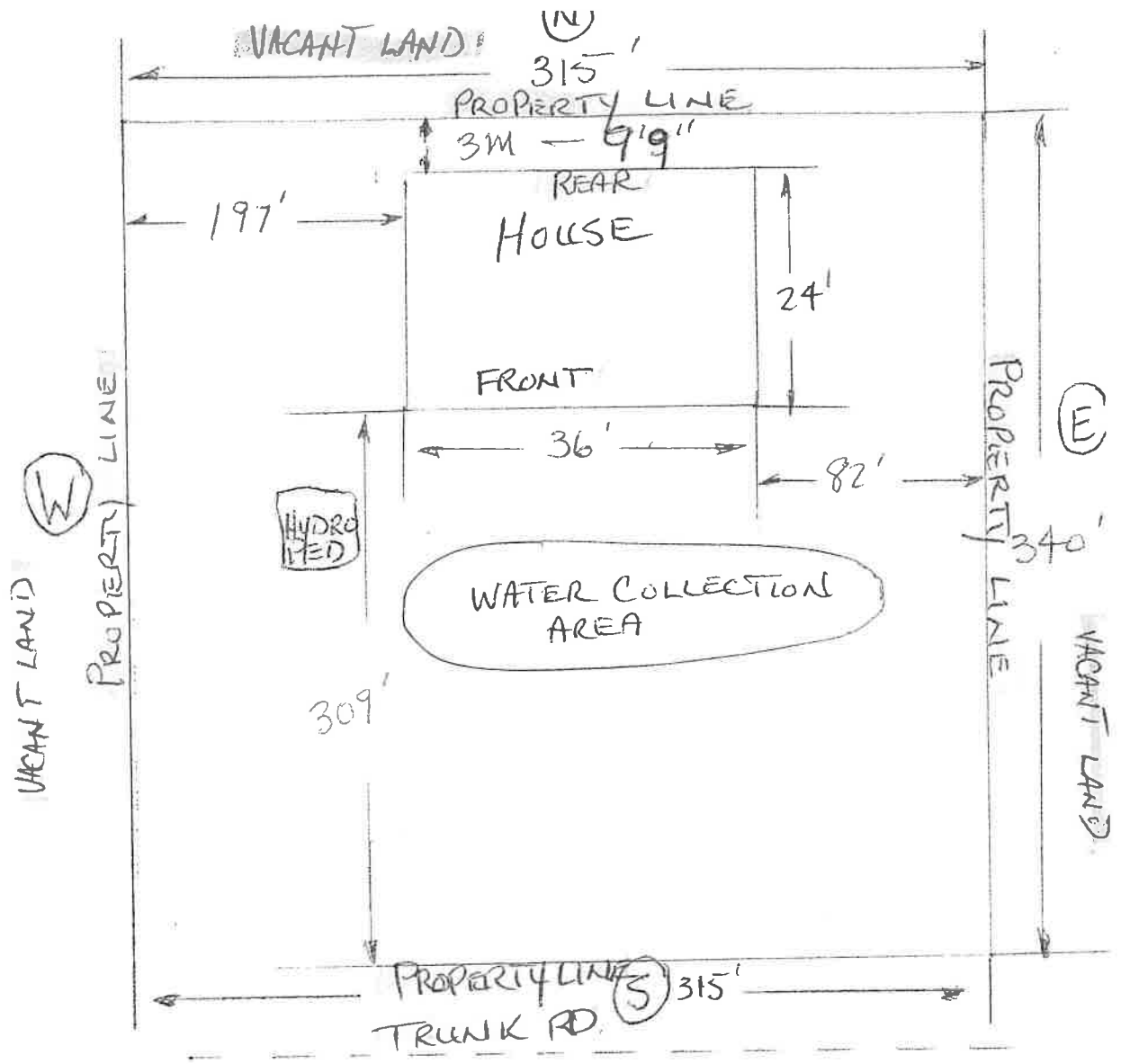
Daniel R Wilkie
(signature of owner(s) or authorized agent)

Declared before me a the BONFIELD this 12 of August, 2024.
(Township) (Day) (Month) (Year)

[Signature]
A Commissioner, etc.

NOTES: 1. It is required that one copy of this application be filed with the secretary-treasurer of the Committee of Adjustment, together with the plan referred to in Note 2, accompanied by a fee of \$400.00 in cash or cheque made payable to the TOWNSHIP OF BONFIELD.

2. Each copy of the application must be accompanied by a plan showing the dimensions of the subject land and of all abutting land showing the location, size and type of all buildings and structures on the subject and abutting land. The Committee of Adjustment may require that the plan be signed by an Ontario Land Surveyor.



DAN WILKIE (905) 818-1254
 769 TRUNK RD.
 BONFIELD, ONT.
 POH 2E6

- Septic tank will fill in water area (TYPICAL)
- water comes from water main - backflow
- Close road: will fill in on front water drainage - but will go road - making down on property and reduce to existing culvert
- drawing of Septic Tank at site and can be reviewed

Daniel R. Wilkins

PLANNING REPORT

MEETING DATE: September 10, 2024
TO: Committee of Adjustment
FROM: Nicky Kunkel, Clerk
SUBJECT: A2/2024 Minor Variance: 769 Trunk Road; Wilkie

RECOMMENDATION: That Minor Variance Application A2/2024, 769 Trunk Road; Wilkie be approved with amendments and conditions:

1. That the rear yard setback be permitted at four (4) meters
2. That the rear deck size not exceed one (1) meter and the stairs are parallel to the building
3. That a building permit for the large existing structure on the property be obtained

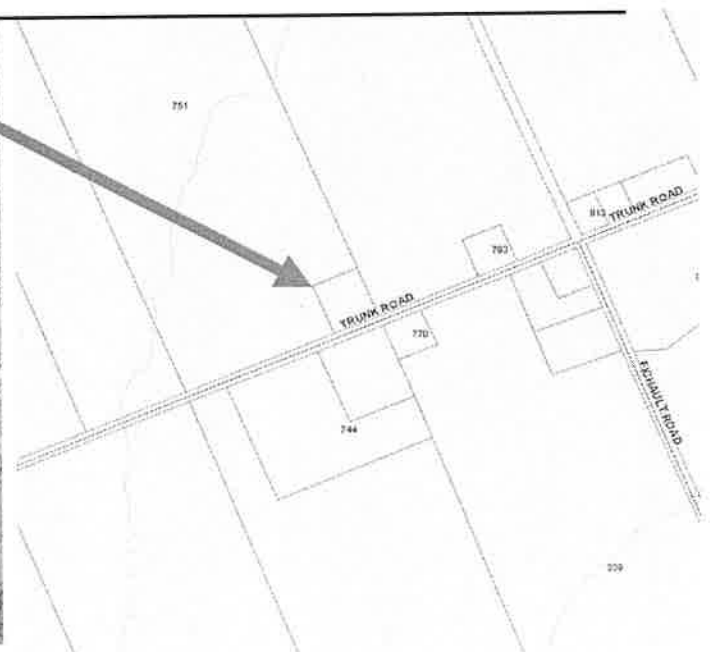
SUBJECT LAND AND LAND USE: The subject property registered as a vacant land in the Rural Designation and Zone.

APPLICANT'S PROPOSAL: The Applicant is requesting a variance on the required rear yard set back from 10 meters to 3 meters to build a single family dwelling.

Minor Variance Test (Section 45(1) of the Planning Act):

1. Is it in keeping with the purpose and intent of the Official Plan?
2. Is it in keeping with the purpose and intent of the Zoning Bylaw?
3. Is it minor in nature?
4. Is it appropriate and desirable development for the area?

The subject property is surrounded by larger parcels of land generally used for Agricultural and residential purposes.



ANALYSIS

1. Bonfield’s Official Plan:

4 Land Use Designation

- **4.2 Rural** Permitted uses include the proposed single family dwelling.
- The intent of the rural destination is to preserve the rural character and setting of these areas; agricultural land uses and operations, low density residential development.
- **4.2.4** The character of the Rural Area shall be maintained by permitted residential development where lots shall be for permanent residential use. Lots shall be 1 hectare.

The subject property is a lot of record at 1 hectare and the proposed use is for a single-family dwelling. There does not appear to be livestock in the immediate area of the subject property, therefore, section 3.10 for the Minimum Distance separation has not been applied to this application.

2. Bonfield’s Zoning By-Law:

The subject property is zoned Rural which permits the proposed dwelling. The year-round dwelling is permitted as it is fronting a year-round maintained private road.

This Zone requires a 10-meter rear yard set back as per Schedule B-Provisions for Rural Use in the Zoning By-Law 2012-49. A site visit was held on the property with the owner, the CBO and the Clerk on September 4, 2024. The proposed location of the house was marked in yellow tape along with the rear lot line in white string. It clearly showed the 3-meter proposed reduction of the rear yard.

The property does have wet areas (not considered wetlands or creeks) but area drainage does pass through the property with a culvert in place. The Owner is not concerned about this and his contractor will be remediating some of the impact by clearing debris, creating a berm and fixing the culvert so the water does not stand nor to impact the municipal roadway and ditch. However, the area is not favourable for construction hence the need to move the proposed building closer to the north lot line on higher ground. This will provide the property owner with more accessible front yard. The site outlined for the house is at the far right rear of the property. The rear lot area is the high ground for the property.

A rear yard setback means the shortest distance between the rear lot line and the nearest point of the main building, not including a projection permitted under section 3.13.

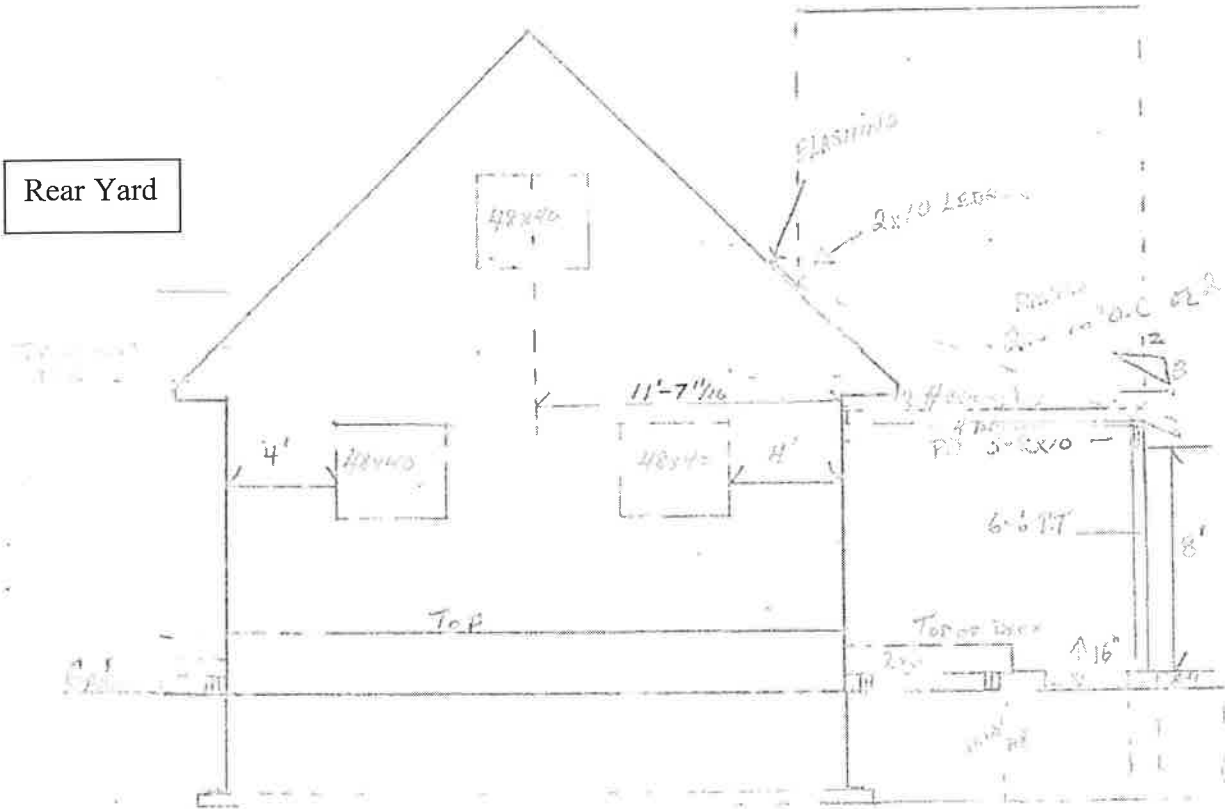
A rear yard means a yard extending across the fullwidth of the lot between the rear lot line and the nearest main wall of the main building on such lot.

Section 3.13 states every part of any yard required by this Bylaw shall be open and unobstructed by any structure from the ground to the sky except that those structures listed in the table shall be permitted to project into the minimum yards required by this Bylaw for the specified distances.

Structure: Open roofed porches not exceeding one storey in height, uncovered terraces and decks	Yard projection permitted Front and rear yards only	Maximum projection from main wall 3 meters including eaves and cornices
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In reviewing the application with the Building Department we examined the back of the house design to ensure setbacks could be maintained. The CBO has determined that the limiting distance for this project will be a requirement of at least four (4) meters.



Summary of Rear Yard Requirements (ground to sky)

			Property Line
Required 10 m	Limiting Distance 4 m	Requested 3m	Actual Proposed Build 2.6 m
House	House	House	House with soffit

Limiting Distance means the distance from an exposing building face to a property line (for these purposes), which is calculated by the percentage of unprotected openings (doors/windows) in relation to the total wall surface area of a building from the Ontario Building Code Act. There is a small deck proposed at the rear that will be for access for the back door as well. This deck will have to be limited to up to one meter and the stairs will have to be installed so that they are parallel to the building, not straight out. This should be a condition of the minor variance.

The limiting distance for the proposed house is four (4) meters so the minor variance as applied for is too close. The building cannot be closer than 4 meters to the property line.

The property currently does not comply with the regulations of the Zoning Bylaw.

3.11 An accessory building shall not be erected prior to the erection of a permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for the use in connection with the construction of such dwelling and no accessory building shall be used prior to the erection of such dwelling for any purpose other than such storage. The Building Bylaw also states no structure shall be constructed without a building permit.

This property has three small sheds under the required size for a building permit. However, there is one large structure on the property that does require a permit. The landowner has been advised that they must apply for that permit at the same time as the new proposed dwelling. The structures were on the property prior to the applicant purchasing the property. This large structure is located in an area that would be suitable for a permanent residential dwelling without requiring any variances.

An alternative to the minor variance would be to renovate the existing large structure to change the use to the primary residence. The owner has already invested in some of the materials and plans for the new proposed dwelling so this may present an unintended hardship.

3. IS THE PROPOSAL MINOR?

The required setback is 10 meters, the proposal is for 3 meters. This is a 70% reduction request. On the surface it is not minor. However, in regard to the zoning and official plan policies the intent of the request is considered minor. The use is permitted, all other conditions and requirements of the municipal policies are being adhered to. The relief is for one six (6) meter yard setback.

The dwelling being so close, at three meters, when it is backfilled the slope will be minimal but any drainage from the subject property cannot adversely affect the neighbouring property. As the recommendation will be to approve no less than a four (4) meter setback, any concerns are further mitigated.

4. Is it appropriate and desirable development for the area?

The development is to construct a single-family dwelling which is desirable for the area. There is an agricultural use surrounding the property but does not appear to have livestock. In the future, should that landowner introduce livestock the reduction in the rear yard could impact the Minimum Distance Separation, but it may not be significant.

COMMENTS/REPORTS/STUDIES:

As required under the *Planning Act* circulation to the appropriate agencies/bodies and neighbouring landowners for comment was completed on August 30th, 2024.

1. **North Bay Mattawa Conservation Authority (NBMCA):** No comments.
2. **Hydro One:** No comments
3. **Ministry of Transportation (MTO):** The subject property is not within the MTO's control area, therefore, the MTO does not have any comments.
4. **Public:** No comments to date
5. **Township Departments:**
 - a. **Public Works:** No concerns regarding an entrance. Already exists
 - b. **Fire Department:** No comments

Summary: This application is to request that the rear yard set back of 10 meters be reduced to three (3) meters to build a single-family dwelling.

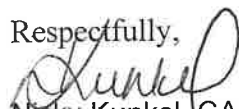
The application demonstrates the property will continue to meet the intent of the zoning by-law and official plan regulations as there are no amendments sought for changing of use. With the condition to obtain the building permit for the existing large structure, as well as having the dwelling on the property, the intent of the Zoning Bylaw will be further adhered to.

The Ontario Building Code requires that the limiting distance is no less than 4 meters to the property line. Therefore, the application cannot be approved as submitted, but in conversation the property owner was amicable to the 4 meters. The deck, with the described modifications, would be permissible and meet the conditions of section 3.13 and the Building Code.

RECOMMENDED ACTION: That Minor Variance Application A2/2024, 769 Trunk Road; Wilkie be approved with amendments and conditions:

1. That the rear yard setback be permitted at four (4) meters, a reduction from 10 meters
 2. That the rear deck size does not exceed one (1) meter in width and the stairs are parallel to the building
 3. That a building permit for the large existing structure on the property be obtained
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Respectfully,



Nicky Kunkel, CAO

File # A2/2024

Received: August 12, 2024

Date of hearing: September 10, 2024

Date of Decision: September 10, 2024

In the matter of Section 45 of the Planning Act, Zoning By-Law No. 2012-49 and an application for:

Minor Variance Special permission to allow

The purpose of the variance is to allow for a rear yard set back of 3 meters instead of the required 10 meters as per Zoning By-Law 2012-49 in a Rural Zone on Concession 9 Part Lot 24 Plan NR-1586 Part 7, PCL 22149 Nip; Township of Bonfield, 769 Trunk Road

Legal description of the property (ie: Lot, Conc): Concession 9 Part Lot 24 Plan NR-1586 Part 7, PCL 22149 Nip; Township of Bonfield, 769 Trunk Road.

The request is hereby: Refused Granted subject to the following conditions:

1. That the rear yard setback be permitted at four (4) meters
2. That the rear deck size not exceed one (1) meter and the stairs are parallel to the building
3. That a building permit for the large existing structure on the property be obtained with the new proposed building permit

Reasons for Decisions: **MEETS THE INTENT OF OFFICAL PLAN AND ZONING BY-LAW; per planning report.**

Concur in Decision:		
Narry Paquette	_____	Committee Member
	Signature	
Jason Corbett	_____	Committee Member
	Signature	
Steve Featherstone	_____	Committee Member
	Signature	
Donna Clark	_____	Committee Member
	Signature	
Dan MacInnis	_____	Committee Member
	Signature	

NOTICE OF LAST DAY FOR APPEAL

Notice is hereby given that the last day for appealing this decision to the Municipal Board is

September 30, 2024

PERSONS (Appeal Limitation) - The applicant, the Minister or any other person or public body who has an interest in the matter may within 20 days of the making of the decision appeal to the Tribunal against the decision of the committee by filing with the secretary-treasurer of the committee a notice of appeal setting out the objection to the decision and the reasons in support of the objection accompanied by payment to the secretary-treasurer of the fee charged by the Tribunal under the *Local Planning Appeal Tribunal Act, 2017* as payable on an appeal from a committee of adjustment to the Tribunal. 2017, c. 23, Sched. 5, s. 98 (3).

CERTIFICATION

Planning Act, R.S.O. 1990, c. P. 13, s. 45(10)

I, Nicky Kunkel, Official of the TOWNSHIP OF BONFIELD certify that the above is a true copy of the decision of the Committee of Adjustment with respect to the application recorded therein.

Dated this day of , 20__

Signature

Personal information contained on this form, collected pursuant to the Planning Act, will be used for the purpose of that Act. Questions should be directed to the Freedom of Information and Privacy Co-ordinator at the institution.