

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT  
APRIL 29, 2019 @ 7:00 P.M.  
MUNICIPAL OFFICE COUNCIL CHAMBERS, KENILWORTH**

**Members Present:**

**Mayor: Andrew Lennox**  
**Councillors: Sherry Burke**  
**Lisa Hern**  
**Steve McCabe**  
**Dan Yake**

**Staff Present:**

**Chief Administrative Officer: Michael Givens**  
**Director of Legislative Services/Clerk: Karren Wallace**  
**Deputy Clerk: Catherine Conrad**  
**Chief Building Official: Darren Jones**  
**Community Recreation Coordinator: Mandy Jones**

**CALLING TO ORDER** - Chair Lennox (7:56 pm)

**DISCLOSURE OF PECUNIARY INTEREST** - None

**MINUTES OF PREVIOUS MEETING(S)**

- Committee of Adjustment, April 8, 2019 (A02/19, A03/19 and A04/19)

RESOLUTION: CoA 2019-009

Moved: McCabe

Seconded: Burke

*THAT the Committee of Adjustment meeting minutes of April 8, 2019 – A02/19, A03/19 and A0419 be adopted as presented.*

CARRIED

**APPLICATION**

A05/19 - Minerva Martin

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 2, Concession 3 geographic Township of Arthur, with a civic address of 9586 Concession 2. The subject land is approximately 20.2 ha (50 ac). The location of the property is shown on the map attached.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the Minimum Distance Separation 2 (MDS 2) setback requirements. The applicant is proposing to construct a new broiler barn and cannot meet the minimum distance required to the nearest lot line. Other variances may be considered where deemed appropriate.

**SECRETARY TREASURER**

Notices were mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on April 18, 2019.

**PRESENTATIONS**

Jessica Rahim, Planner, County of Wellington, Township of Wellington North

- Planning Report dated April 23, 2019

We have reviewed the application for minor variance and provide the following comments. Please be advised that these comments were formulated without the benefit of a site visit.

**Planning Opinion** The variance requested would permit the construction of a new chicken broiler barn to grow the existing operation. The location of the proposed barn does not meet the minimum distance separation (MDS II) from the nearest lot line.

We have no concerns with the relief requested for the new chicken broiler barn. The location of the new barn provides operational efficiency. The application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is minor, desirable and appropriate for the development of the subject property.

**SUBJECT PROPERTY AND LOCATION**

The location of the subject property is described as Part Lot 2, Concession 3 geographic Township of Arthur, with a civic address of 9586 Concession 2. The subject land is approximately 20.2 ha (50 ac) and is occupied by a dwelling, equipment shed/workshop and barn.

**PROPOSAL**

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirements. The applicants are proposing to construct a new chicken broiler barn and cannot meet the minimum distance required to the nearest lot line for the new barn.

**Provincial Policy Statement (PPS)**

The subject property is within an area of prime agricultural land. New or expanding livestock facilities shall comply with the minimum distance separation formulae. Guideline #43 of the MDS Implementation Guidelines outlines that minor variances to MDS II distances can be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS II, or mitigate environmental impacts, may warrant further consideration.

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated PRIME AGRICULTURAL, CORE GREENLANDS and GREENLANDS. The farm building cluster is well removed from the CORE GREENLANDS and GREENLANDS areas. In Prime Agricultural Areas, all types, sizes and intensities of agricultural uses and normal farm practices will be promoted and protected in accordance with provincial standards. Furthermore, Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

**TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW**

The subject property is zoned Agricultural (A) and Natural Environment (NE). The proposed barn is located outside the NE zone. The location of the proposed new chicken broiler barn does not meet the minimum distance separation (MDS II) to the nearest lot line. The applicants indicated that the location of the new barn is to provide access for the loading area. The following reliefs are required:

The variance requested would provide relief from Section 8.8 and Section 6.17.2 of Zoning By-law 66-01 to construct a new chicken broiler barn with a reduced MDS II setback of 8 m (26 ft) to the nearest lot line where the required minimum setback to a lot line is 16 m (52 ft).

<b>Chicken Broiler Barn</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Minimum Distance Separation II (Section 8.8 and 6.17.2)</b>	16 m (52 ft)	8 m (26 ft)	8 m (26 ft)

**CORRESPONDENCE FOR COMMITTEE'S REVIEW**

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Environmental Planning Report dated April 24, 2019 (application acceptable to SVCA staff)

## REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

## CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

Cleon Martin, Applicants Agent, was present to answer any questions regarding the application.

## COMMENTS/QUESTIONS FROM THE COMMITTEE

None

## DECISION

RESOLUTION: CoA 2019-010

Moved: Hern

Seconded: Yake

*THAT the minor variance applied for in Application A05/19, for the property described as Part Lot 2, Concession 3, geographic Township of Arthur, with a civic address of 9586 Concession 2, to provide the following relief:*

- 1. THAT a reduced MDS II setback of 8 m (26 ft) to the nearest lot line be permitted to facilitate a new chicken broiler barn, whereas Section 8.8 and Section 6.17.2 of Zoning By-law 66-01 requires a minimum setback to a lot line of 16 m (52 ft).*

*Be authorized.*

CARRIED

## ADJOURNMENT

RESOLUTION: CoA 2019-011

Moved: McCabe

Seconded: Hern

*THAT the Committee of Adjustment meeting of April 29, 2019 be adjourned.*

CARRIED

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Secretary Treasurer

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Chair