

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

**PAGE
NUMBER**

CALLING TO ORDER - Chair Lennox

DISCLOSURE OF PECUNIARY INTEREST

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, April 8, 2019 (A02/19, A03/19 and A04/19) 3

Recommendation:

THAT the Committee of Adjustment meeting minutes of April 8, 2019 – A02/19, A03/19 and A04/19 be adopted as presented.

APPLICATION

A05/19 - Minerva Martin 17

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 18

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Environmental Planning Report dated April 24, 2019 20
(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

COMMENTS/QUESTIONS FROM THE COMMITTEE

DECISION

Recommendation:

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).*

OPTION 1: Be authorized.

OPTION 2: Be denied.

ADJOURNMENT

Recommendation:

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

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, APRIL 8, 2019 – 2:00 P.M.
A02/19, A03/19 AND A04/19**

The Committee of Adjustment met in the Municipal Office Council Chambers, Kenilworth.

Members Present:

**Chair: Andrew Lennox
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
Director of Finance: Adam McNabb
Economic Development Officer: Dale Small
Chief Building Official: Darren Jones
Community Recreation Coordinator: Mandy Jones
Human Resources Manager: Chanda Riggi
Senior Planner: Curtis Marshall**

THE CHAIRMAN CALLED THE MEETING TO ORDER

**DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE
THEREOF**

No pecuniary interest reported.

MINUTES OF PREVIOUS MEETING(S)

RESOLUTION NUMBER CoA 2019-004

Moved by: Member Burke

Seconded by: Member McCabe

THAT the Committee of Adjustment meeting minutes of March 11, 2018 – A01/19 be adopted as presented.

CARRIED

APPLICATION A02/19

Owners/Applicant: Seawaves Homes Ltd.

The location of the subject property is described as Part of Lots 52 & 56, and all of Lot 54 and Part Park Lot 52 and 54, Judge MacDonald's Survey, geographic village of Arthur, with a civic address of 204 Gordon Street. The subject land is approximately 1.1 ha (2.8 ac) in size.

The purpose and effect of the application is to provide relief from the minimum lot area requirements, and maximum number of attached units in a row for a proposed townhouse development. The applicants are proposing to construct a 28 unit townhouse development on the subject lands. The following variances are required to facilitate the proposal:

- A reduced lot area of 182 m² (1959 ft²) per unit for the cluster townhouse blocks whereas the by-law requires a minimum lot area of 232 m² (2497 ft²) per unit;
- A reduced lot area of 196 m² (2109.7 ft²) per unit for the street townhouse blocks whereas the by-law requires a minimum lot area of 264.8 m² (2850 ft²); and
- A cluster townhouse block with 7 attached units in a row whereas the by-law requires a maximum of 6 attached units in a row.

NOTICE OF THIS MEETING 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 March 27, 2019 pursuant to the *Planning Act*.

PRESENTATION

Curtis Marshall, Senior Planner for the County of Wellington, reviewed the Planning report dated April 1, 2019. The comments were formulated without the benefit of a site visit.

Planning Opinion: The variance requested would provide relief from the minimum lot area requirements, and maximum number of attached units permitted in a row for a proposed townhouse development. The applicants are proposing to construct a 28 unit townhouse development on the subject lands.

Staff have no concerns with the requested variance to accommodate the 28 unit townhouse development. The application maintains the general intent and purpose of the Official Plan and Zoning By-law and would be desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Part of Lots 52 & 56, and all of Lot 54 and Part Park Lot 52 and 54, Judge MacDonald's Survey, geographic Township of Arthur, with a civic address of 204 Gordon Street. The subject land is approximately 1.1 ha (2.8 ac).

PROPOSAL

The purpose of this application is to provide relief from the minimum lot area requirements, and maximum number of attached units permitted in a row for a proposed townhouse development. The applicants are proposing to construct a 28 unit townhouse development on the subject lands. The following variances are required to facilitate the proposal:

- A reduced lot area of 182 m² (1959 ft²) per unit for the cluster townhouse blocks whereas the by-law requires a minimum lot area of 232 m² (2497 ft²) per unit;
- A reduced lot area of 196 m² (2109.7 ft²) per unit for the street townhouse blocks whereas the by-law permits a minimum lot area of 264.8 m² (2850 ft²); and
- A cluster townhouse block with 7 attached units in a row whereas the by-law requires a maximum of 6 attached units in a row.

Provincial Policy Statement (PPS)

The subject property is located within the settlement area of Arthur. Section 1.1.3.1 of the Provincial Policy Statement states that “settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.” Settlement areas are encouraged to include a mix of densities and land uses.

The Provincial Growth Plan directs the majority of growth to settlement areas as a better use of land and infrastructure while prioritizing intensification in strategic growth areas, including urban growth centres, major transit station areas, brownfield sites and greyfields.

Under section 2.2.7 of the Growth Plan, new development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that supports the achievement of complete communities.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated RESIDENTIAL in the Urban Centre of Arthur. A portion of the property is identified as being within the built boundary, with a portion of the subject lands being located outside the built boundary and identified as Greenfield area. Section 3.3 sets out objectives for growth and encourages growth in urban areas. It further encourages the efficient use of land through increased densities in designated Greenfield areas of urban centres.

Section 3.3.1 identifies targets and states “the designated greenfield area of the County will be planned to achieve an overall minimum density of not less than 40 residents and jobs per hectare. This application is located within a Greenfield area and will contribute and support this target.

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.

WELLINGTON NORTH COMMUNITY GROWTH PLAN

The following relevant Growth Management Goals have been identified:

1. To direct and focus development to the urban areas of Arthur and Mount Forest as the primary centres and complete communities with a mix of land uses, housing, jobs and services.
2. To plan and promote orderly, compact development within the urban areas, based on phasing to align with planning for infrastructure, transportation, facilities and services.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Residential with a holding R3(H) zone. Townhouses are a permitted use in the R3 zone. The Holding Provision (H) is in place pending site plan approval and servicing allocation. The applicants have requested relief from the minimum lot area requirements, and maximum number of attached units permitted in a row for a proposed townhouse development. The applicants are proposing to construct a 28 unit townhouse development on the subject lands. See Figure 2 below. The following variances are requested in order to facilitate the townhouse development:

- The variance requested would provide relief from Section 13.2.2.1 b) of Zoning By-law 66-01 to construct a new cluster townhouse development with a minimum lot area of 182 m² (1,959 ft²).
- The variance requested would provide relief from Section 13.2.2.9 of Zoning By-law 66-01 to construct a new cluster townhouse development with 7 attached units in a row.
- The variance requested would provide relief from Section 13.2.1.1 of Zoning By-law 66-01 to construct a new street townhouse development with a minimum lot area of 196 m² (2,109.7 ft²).



• Figure 2: Proposed townhouse development

Townhouse Development	Required	Proposed	Difference
Cluster Townhouse Minimum Lot Area Section 13.2.2.1 b)	264.8 m ² (2,850.4 ft ²)	182 m ² (1,959 ft ²)	82.8 m ² (891.4 ft ²)
Cluster Townhouse Maximum Attached Units in a Row Section 13.2.2.9	6 units	7 units	1 unit
Street Townhouse Minimum Lot Area Section 13.2.1.1	232 m ² (2,497.3 ft ²)	196 m ² (2,109.7 ft ²)	36 m ² (387.6 ft ²)

- Planning Staff note that there is a range of reduced lot areas being proposed with 182 m² being the smallest lot area for the cluster townhouse development and 196 m² for the street townhouse development. The setback, lot coverage and parking requirements are all met for the proposed townhouse development.
- We also note that only one block of the seven blocks total will have 7 attached units in a row. We have no concerns with the relief to the one block unit.
- A site plan application has been submitted by the applicant to the Township including grading, drainage, parking, building layout etc. will be reviewed as part of the site plan review process.

CORRESPONDENCE/COMMENTS RECEIVED

Jim Klujber, CEO/President, Wellington North Power Inc.

- Applicant to contact Wellington North Power Inc. notified the applicant of the following:
 1. All electrical distribution system plans must meet Wellington North Power standards for design and construction. The applicant to contact Wellington North Power for a copy of the standards.
 2. All electrical plans must be reviewed and approved by Wellington North Power.
 3. The applicant is required to enter into a Construction Agreement with Wellington North Power.

REQUEST FOR NOTICE OF DECISION

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

CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

- Persons present who wish to make oral and/or written submissions in support of the proposed minor variance.

The applicant's agent, Dave Aston, MHBC Planning, was present to answer questions regarding the application. They are working through the process with the submission of a site plan application, site grading plan, storm water management plan and landscape plan. The applicant will work with Wellington North Power Inc.

- Persons present to make oral and/or written submissions against the proposed minor variance.

Pauline Lane, 411 Eliza St., commented that water comes from the property into neighbouring backyards. Mrs. Lane inquired if this will be fixed to it drains into a drainage system

Mr. Aston explained that with site grading and storm water management plans the water will be put into a municipal system. The existing condition would likely be improved.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor Yake questioned if the owner knew that the sewage lagoons are close to the proposed development. Mr. Aston confirmed that the owner is aware of the proximity to the lagoons.

The Committee of Adjustment of the Corporation of the Township of Wellington North considered all written and oral submissions received on this application, the effect of which has assisted the Committee to make an informed decision on this planning matter.

RESOLUTION NUMBER CoA 2019-005

Moved by: Member Burke

Seconded by: Member McCabe

THAT the minor variance applied for in Application A02/19, for the property described as Part of Lots 52 & 56, and all of Lot 54 and Part Park Lot 52 and 54, Judge MacDonald's Survey, geographic Village of Arthur, with a civic address of 204 Gordon Street, to provide the following relief:

1. *THAT a reduced lot area of 182 m² (1959 ft²) per unit for the cluster townhouse blocks be permitted, whereas Section 13.1.1.1(b) of the by-law requires a minimum lot area of 232 m² (2497 ft²) per unit;*
2. *THAT a reduced lot area of 196 m² (2109.7 ft²) per unit for the street townhouse blocks be permitted, whereas Section 13.2.1.1 of the by-law permits a minimum lot area of 264.8 m² (2850 ft²); and*

3. *THAT a cluster townhouse block with 7 attached units in a row be permitted whereas 13.2.2.9 of the by-law requires a maximum of 6 attached units in a row.*
be authorized.

CARRIED

APPLICATION A03/19

Owners/Applicant: Murray and Miriam Bowman

The location of the subject property is described as Part Lot 3, Concession 7, geographic Township of Arthur, with a civic address of 7388 Sideroad 2 E. The subject land is approximately 40.46 ha (100 ac).

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 barn addition and new liquid manure tank and cannot meet the minimum distance required to the nearest Type A land uses (dwelling and church) for the new liquid manure tank. Other variances may be considered where deemed appropriate.

NOTICE OF THIS MEETING 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 March 27, 2019 pursuant to the *Planning Act*.

PRESENTATION

Curtis Marshall, Senior Planner for the County of Wellington, reviewed the Planning report dated April 1, 2019. The comments were formulated without the benefit of a site visit.

Planning Opinion The variance requested would permit the construction of a dairy barn addition and liquid manure tank to grow the existing operation. The location of the proposed manure tank does not meet the minimum distance separation (MDS II) from the surrounding Type A uses (neighbours dwelling and church).

We have no concerns with the relief requested for the new liquid manure tank. The location of the new manure tank 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 13, Concession 7 (geographic Township of Arthur), with a civic address of 7388 Sideroad 2 E. The

subject land is approximately 40.46 ha (100 acres) and is occupied by a dwelling, equipment sheds, feed storage 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 barn addition and new liquid manure tank and cannot meet the minimum distance required to the nearest Type A land uses (neighbours dwelling and church) for the new liquid manure tank.

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 # 37 of the MDS Implementation Guidelines outlines that MDS setbacks for churches, schools and cemeteries used primarily by a community reliant on horse-drawn transportation shall be considered as Type A land uses for the purpose of both MDS I and MDS II.

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 and CORE GREENLANDS. The farm building cluster is well removed from the CORE 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 location of the proposed new liquid manure tank does not meet the minimum distance separation (MDS II) to the neighbour's dwellings and church. 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 liquid manure tank with a reduced MDS II setback of 174 m (570 ft) to the neighbours dwelling and church where the required minimum setback to a Type A use is 237 m (777 ft).

Liquid Manure Tank	Required	Proposed	Difference
Minimum Distance Separation II (Section 8.8 and 6.17.2)	237 m (777 ft)	174 m ² (570 ft)	63 m (207 ft)

CORRESPONDENCE/COMMENTS RECEIVED

Michael Oberle, Environmental Planning Technician, Saugeen Conservation
- Proposed minor variance is 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.

CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

- Persons present who wish to make oral and/or written submissions in support of the proposed minor variance.

The applicant was present to answer questions regarding the application.

- Persons present to make oral and/or written submissions against the proposed minor variance.

No one was present to make oral and/or written submissions against the proposed minor variance.

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions from the Committee.

The Committee of Adjustment of the Corporation of the Township of Wellington North considered all written and oral submissions received on this application, the effect of which has assisted the Committee to make an informed decision on this planning matter.

RESOLUTION NUMBER CoA 2019-006

Moved by: Member Yake

Seconded by: Member McCabe

THAT the minor variance applied for in Application A03/19, for the property described as Part Lot 3, Concession 7, geographic Township of Arthur, with a civic address of 7388 Sideroad 2 East, to provide the following relief:

1. *THAT a reduced Minimum Distance II setback of 174 m (570 ft) be permitted, whereas Sections 8.8 and 6.17.2 of the by-law require a Minimum Distance II setback of 237 m (777 ft).*

be authorized.

CARRIED

APPLICATION A04/19

Owners/Applicant: Ryan Bennett

The location of the subject property is described as Svy Cushing Div 4 Part Lot 20, Lot 2, geographic Township of Arthur, with a civic address of 9127 Highway 6. The subject land is approximately 0.1 ha (0.25 ac).

The purpose and effect of the application is to provide relief from the maximum lot coverage requirements for a proposed accessory structure and the minimum front yard setback requirements for a proposed covered porch addition to the main dwelling on the subject land. The applicants are proposing to remove the existing accessory structure and replace it with a new 156 m² (1680 ft²) accessory building and construct a covered porch addition to the main dwelling that does not meet the minimum front yard setback requirement. Other variances may be considered where deemed appropriate.

NOTICE OF THIS MEETING 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 March 27, 2019 pursuant to the *Planning Act*.

PRESENTATION

Curtis Marshall, Senior Planner for the County of Wellington, reviewed the Planning report dated April 1, 2019. The comments were formulated without the benefit of a site visit.

Planning Opinion: The variance requested is to provide relief from the maximum lot coverage requirements for a proposed accessory structure and the minimum front yard setback requirements for a proposed covered porch addition to the main dwelling on the subject land. The applicants are proposing to remove the existing accessory structure and replace it with a new 156 m² (1680 ft²) accessory building and construct a covered front porch addition on the main dwelling. The proposed porch setback is 2.87 m whereas the by-law requires a minimum front yard setback of 9 m to the front lot line and 18 m to the centre line of a Provincial Highway.

We have no concerns with the relief requested provided that the applicable road authority has no concerns with the reduced front yard setback and the building department has no concerns with the location of the building in terms of the septic location. We are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law, and would be desirable and appropriate for the development of the subject property.

If approved, the Committee may wish to apply conditions to address the following:

1. That the accessory structure cannot be used for business purposes or habitation.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is as described Svy Cushing Div 4 Part Lot 20, Lot 2, geographic Township of Arthur, with a civic address of 9127 Highway 6. The subject land is approximately 0.1 ha (0.25 ac).

PROPOSAL

The purpose of this application is to provide relief from the maximum lot coverage requirements for a proposed accessory structure and the minimum front yard setback requirements for a proposed covered front porch addition to the main dwelling on the subject land. The applicants are proposing to remove the existing accessory structure and replace it with a new 156 m² (1680 ft²) accessory building and construct a covered front porch addition on the main dwelling that does not meet the minimum front yard setback requirement.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated HAMLET AREA. Single detached dwellings are a permitted use within the hamlet area designation and the proposed building will be considered accessory to the dwelling. 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 Unserviced Residential (R1A). The applicants are proposing to construct a detached accessory building with a lot coverage of 16.2 percent, where the by-law permits 10 percent lot coverage for all accessory buildings on the subject property. The applicants are proposing to demolish the existing detached accessory building and replace it with the new 156.1 m² (1680 ft²) building. The proposed accessory building meets all other requirements including the maximum height of 4.57 m (15 ft), minimum rear yard and side yard setback requirements of 1.2 m (4 ft) and appears to be incidental and subordinate to the main dwelling.

The applicants are also proposing to construct a covered porch addition, which does not meet the minimum front yard setback requirements to a Provincial Highway (Highway 6). The intent of the Zoning By-law is to maintain a consistent front yard setback which can accommodate suitable development of the land while maintaining safe and attractive setbacks from the road. The proposed covered porch addition would have similar setbacks to other dwelling in the area.

The variance requested would provide relief from Section 6.1.4 a) of Zoning By-law 66-01 to permit an increased lot coverage of 16.21 percent for an accessory structures, where the by-law permits 10 percent lot coverage for all accessory buildings.

The variance requested would provide relief from Section 6.31.1 a) and Section 9.2.3 of Zoning By-law 66-01 to allow for a reduced front yard setback of 2.87 m (9.4 ft) to the front lot line for a covered porch addition.

Zoning By-law		Permitted	Proposed	Difference
Accessory Structure Maximum Ground Floor Area (Section 6.1.4 a)		10%	16.21%	6.21%
Covered Porch Minimum Front Yard Setback	Section 6.31.1 a) R1A Zone Setback to property line	9 m (29.5 ft)	2.87 m (9.4 ft)	6.13 m (20.1 ft)
	Section 9.2.3 Provincial Highway Setback to centre line of the road	18 m (59 ft)	12.93 m (42.4 ft)	5.07 m (16.6 ft)

CORRESPONDENCE/COMMENTS RECEIVED

Allan Hodgins, Corridor Management Planner (A), Ministry of Transportation

- Does not support the proposed front yard setback. Would be supportive of a 1.0m wide landing (4.26m setback) along the frontage of Highway 6.
- Subject property is located adjacent to Highway 6, with MTO’s Permit Control Area, and as such, MTO Permits are required before any demolition, grading, construction or alteration to the site commences. In accordance with Ontario Building Code, municipal permits may not be issued until such time as all other applicable MTO requirements are satisfied.
- An MTO Building and Land Use Permit is required.

REQUEST FOR NOTICE OF DECISION

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

CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

- Persons present who wish to make oral and/or written submissions in support of the proposed minor variance.

The applicant was present to answer questions regarding the application.

- Persons present to make oral and/or written submissions against the proposed minor variance.

Adele and Cor DeGroot, 7504 Sideroad 7 East, were present to express concerns with the proposed minor variance on a property that borders their property.

- Location of proposed accessory structure
- Lack of proper septic on the subject property as it is currently a clay tile running to the east, kitty corner through their yard and under the neighbour's family room addition to the railway ditch. They, and other neighbours, required raised bed systems.
- Flooding from neighbouring roofs, spring thaws and heavy summer rains that crosses into their yard and floods their shed.
- Height of proposed building

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe asked how to mitigate the concerns raised. Mr. Bennett commented that the proposed accessory structure is 14 ft., 6 in in height. A reserve tank could be used to maintain storm water.

Councillor Burke questioned how the MTO concerns would be addressed. CBO Darren Jones advised that MTO permits would be required before a building permit can be issued.

Mayor Lennox suggested that Mr. Bennett should leave enough room for a raised septic bed on the property. CBO Darren Jones advised that s site plan was circulated with the application.

Councillor Yake inquired how storm water will be handled. Mr. Bennett explained that the accessory building will have a flat roof that tunnels down to a basin. Water that is collected will be used for gardens on the property.

The Committee of Adjustment of the Corporation of the Township of Wellington North considered all written and oral submissions received on this application, the effect of which has assisted the Committee to make an informed decision on this planning matter.

RESOLUTION NUMBER CoA 2019-007

Moved by: Member Burke

Seconded by: Member McCabe

THAT the minor variance applied for in Application A04/19, for the property described as Svy Cushing Div 4 Part Lot 20, Lot 2, geographic Township of Arthur, with a civic address of 9127 Highway 6, to provide the following relief:

1. *THAT a maximum lot coverage for an accessory structure of 16.21% be permitted, whereas Section 6.1.4 (a) of the by-law requires a maximum lot coverage of 10%;*
2. *THAT a minimum front yard setback for a covered porch of 2.87 m (9.4 ft) be permitted, whereas Section 9.2.3 of the bylaw requires a minimum front yard setback for a covered porch of 9 m (29.5 ft);*

3. *THAT a minimum Provincial Highway setback to centerline of road for a covered porch of 12.93 m (42.4 ft) be permitted, whereas Section 6.31.1 (a) of the bylaw requires a minimum Provincial Highway setback to centerline of road for a covered porch of 18 m (59 ft).*

be authorized with the following condition(s):

- *That a lot grading plan that incorporates appropriate onsite stormwater storage prepared by an Ontario Land Surveyor or Engineer be submitted;*
- *That the accessory structure may not be used for commercial purposes or habitation;*
- *The existing accessory structure be demolished to the satisfaction of the Chief Building Official;*
- *Front yard reduction in variance be subject to MTO approval*

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2019-008

Moved by: Member McCabe

Seconded by: Member Burke

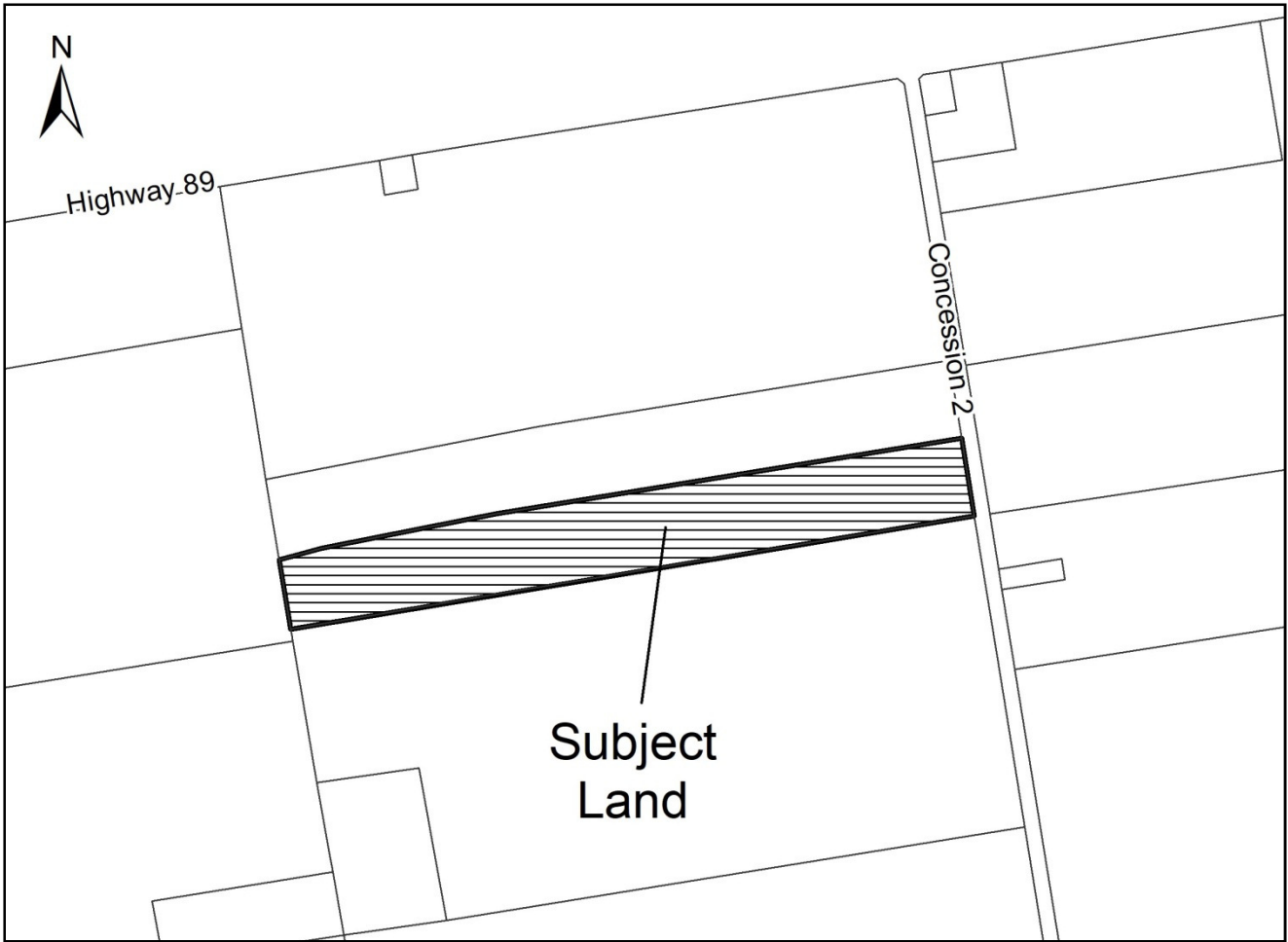
THAT the Committee of Adjustment meeting of April 8, 2019 be adjourned at 3:22 p.m.

CARRIED

Secretary Treasurer

Chair

MINERVA MARTIN





COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

April 23, 2019

Mr. Darren Jones, Chief Building Official
Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

Re: **Minor Variance Application A05/19**
Part Lot 2 Concession 3
9586 Concession 2, Township of Arthur
Minerva Martin

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. The location of the property is shown on Figure 1.

PROPOSAL

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirements. The applicants are

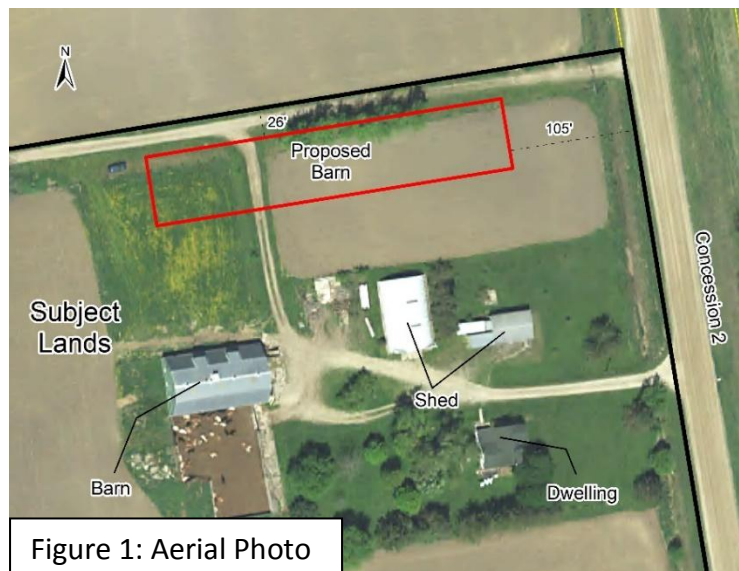


Figure 1: Aerial Photo

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

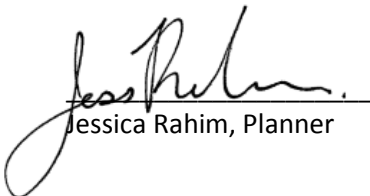
The subject property is zoned Agricultural (A) and Natural Environment (NE). The proposed barn is located outside the NE zone. The location of the proposed new chicken broiler barn does not meet the minimum distance separation (MDS II) to the nearest lot line. The applicants indicated that the location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

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

I trust that this information will be of assistance to the Committee when making their decision on this application.

Yours truly,


Jessica Rahim, Planner



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 (*township@wellington-north.com*)

April 24, 2019

Township of Wellington North
Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, Ontario
N0G 2E0

ATTENTION: Darren Jones, Building/Zoning Department

Dear Mr. Jones,

RE: Application for Minor Variance A05/19
9586 Concession 2
Roll No.: 234900000808500
Part Lot 2, Concession 3
Geographic Township of Arthur
Township of Wellington North

(Minerva Martin)

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the proposed minor variance in accordance with the SVCA's mandate, and the SVCA Environmental Planning and Regulations Policies Manual, amended October 16, 2018. The purpose and effect of the application is to provide relief from the Minimum Distance Separation 2 (MDS2) 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. The proposed minor variance is acceptable to SVCA staff, and the following comments are offered.

Natural Hazard

The central and western portions of the property are designated Core Greenlands and Greenlands in the Wellington County Official Plan, the same area in the central portion of the property is also zoned Natural Environment (NE) in the Township of Wellington North Zoning By-law No. 66-01. SVCA staff are of the opinion that the Core Greenlands designation and the NE zone for the property generally coincide with the hazardous lands mapping originally plotted by SVCA staff. Based on plan attached to the proposed minor variance, the location of the proposed broiler barn will not be within the NE zone.



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Township of Wellington North
Proposed Minor Variance A05/19 (Minerva Martin)
April 24, 2019
Page 2 of 4

Natural Heritage

In the opinion of SVCA staff, the natural heritage features and areas affecting the property are fish habitat, wetlands, significant woodlands, and potentially the significant habitat of endangered species and threatened species.

Fish Habitat

An unnamed tributary of the South Saugeen River flows through the central portion of the property. Furthermore, Arthur Municipal Drain (MD) No. 2 flows through lands adjacent to the north central and northeastern portions of the property. These watercourses are considered fish habitat by SVCA staff. Section 2.1.8 of the Provincial Policy Statement (PPS 2014) indicates that, among other things, development and site alteration shall not be permitted on the adjacent lands of fish habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on fish habitat or on their ecological functions. Based on the plan attached to the proposed minor variance, the location of the proposed broiler barn will not be within the adjacent lands to fish habitat. Therefore, in the opinion of SVCA staff, the completion of an EIS to address the adjacent lands to fish habitat is not warranted at this time.

Provincially Significant Wetlands (PSW)

Parts of Clare Creek Wetland Complex PSW are located on lands adjacent to the property. PSWs are included in the Core Greenlands designation and are shown on Schedule A6-Wellington North of the Wellington County OP. Based on the plan attached to the proposed minor variance, the location of the proposed broiler barn will not be within the adjacent lands to the PSW. Therefore, in the opinion of SVCA staff, the completion of an EIS to address the PSW is not warranted at this time.

Significant Woodlands

Significant woodlands have been included in the Core Greenlands and Greenlands designation and are shown on Schedule A6-Wellington North of the Wellington County OP. The western portion of the property and lands adjacent to the property contain woodlands. Section 5.5.4 of the Wellington County OP states, in part, that significant woodlands will be protected from development or site alteration which would negatively impact the woodlands or their ecological function. Based on the plan attached to the proposed minor variance, the location of the proposed broiler barn will not be within significant woodlands or their adjacent lands. Therefore, in the opinion of SVCA staff, the completion of an EIS to address the significant woodlands is not warranted at this time.

Significant Habitat of Endangered Species and Threatened Species

It has come to the attention of SVCA staff that habitat of endangered species and threatened species may be located on or adjacent to the property. Section 2.1.7 of the PPS 2014 indicates that development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements. It is the responsibility of the applicant to ensure the endangered species and threatened species policy referred to in the PPS has been appropriately addressed. Please contact the Ministry of Natural Resources and Forestry (MNRF) for information on how to address this policy.

Township of Wellington North
Proposed Minor Variance A05/19 (Minerva Martin)
April 24, 2019
Page 3 of 4

SVCA Regulation

The central and western portions of the property are within the Approximate Screening Area associated with the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended). This Regulation is in accordance with Section 28 of the *Conservation Authorities Act*, R.S.O, Chap. C. 27, and requires that a person obtain the written permission of the SVCA prior to any "development" in a Regulated Area or alteration to a wetland or watercourse.

"Development" and Alteration

Subsection 28(25) of the *Conservation Authorities Act* defines "development" as:

- a) *the construction, reconstruction, erection or placing of a building or structure of any kind,*
- b) *any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure increasing the number of dwelling units in the building or structure,*
- c) *site grading, or*
- d) *the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.*

According to Section 5 of Ontario Regulation 169/06, as amended, alteration generally includes the straightening, diverting or interfering in any way the existing channel of a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine the Approximate Screening Area, associated with our Regulation on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Should you require assistance, please contact our office directly.

Permission for Development or Alteration

If development or alteration including construction, reconstruction, conversion, grading, filling or excavation, including agricultural tile drainage is proposed within the Approximate Screening Area associated with our Regulation on the property, the SVCA should be contacted, as permission may be required.

However, based on plan attached to the proposed minor variance, the location of the proposed broiler barn will not be within the SVCA Approximate Screening Area. Therefore, a Permit from the SVCA is not required for development as proposed as part of the application.

Conclusion

The proposed minor variance is acceptable to SVCA staff. The SVCA would appreciate receiving notice of the decision to the above referenced planning application.

We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Township of Wellington North
Proposed Minor Variance A05/19 (Minerva Martin)
April 24, 2019
Page 4 of 4

Sincerely,

A handwritten signature in blue ink that reads "Michael Oberle".

Michael Oberle
Environmental Planning Technician
Saugeen Conservation

MO/

cc: Cleon Martin, agent (via email)
Karen Wallace, Clerk, Township of Wellington North (via email)
Steve McCabe, Authority Member, SVCA (via email)