

# TOWNSHIP OF WELLINGTON NORTH

## PUBLIC MEETING - MINUTES

**Monday, January 10, 2011**

The Public Meeting was held Monday, January 10, 2011 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider a Zoning Amendment application.

**Present:**

**Mayor: Raymond Tout**  
**Councillors: Sherry Burke**  
**Mark Goetz**  
**Andy Lennox**  
**Dan Yake**

**Also Present:**

**C.A.O./Clerk: Lorraine Heinbuch**  
**Executive Assistant: Cathy Conrad**  
**Township Planner: Linda Redmond**  
**Manager of Public Works: Gary Williamson**

**Mayor Tout called the meeting to order.**

**Declaration of Pecuniary Interest:**

None declared.

**Application Number 1 – 7:00 p.m.**

**Owner/Applicant: Marcus and Janice Bauman**

**THE LOCATION OF THE SUBJECT LAND** is described as Part Lot 16, Concession 8 and is municipally known as 9029 Concession 9. The property is approximately 99.3 acres in area.

**THE PURPOSE AND EFFECT** of the amendment is to amend the zoning of the property to permit an auto body repair shop and paint booth as a home industry on the subject lands. The property is currently farmed and designated Prime Agricultural in the Official Plan.

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Please note – Section 34 (12) of the Planning Act.

Information – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

1. Notice for this public meeting was sent to property owners within 120m and required agencies and posted on the property on December 17th, 2010.

2. Presentations by:

Linda Redmond, Planner, reviewed her correspondence dated January 5, 2011.

This proposal is for an autobody repair shop and paint booth to be operated within a proposed 1800 sq. ft. building. The applicants currently farm the 100 acre property and are proposing to operate the business secondary to the farm use. The Official Plan permits home businesses in Prime Agricultural Areas provided they are compatible with and would not hinder surrounding agricultural uses. Given the separation distances between the proposed use and neighbouring dwellings, they would appear to be compatible. The Provincial Policy Statement permits secondary uses such as home industries. The proposed use appears to generally meet the intent of both these documents.

This amendment is to amend the zoning of the property to permit a autobody repair shop and paint booth as a home industry on the subject lands. The property is currently farmed and designated Prime Agricultural in the Official Plan. The proposed home industry will be located within a proposed 1800 sq.ft. building.

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Under the Provincial Policy Statement the subject property is considered to be within a PRIME AGRICULTURAL area. Within prime agricultural areas, permitted uses include agricultural uses, secondary uses and agriculture-related uses. Secondary uses *“means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.”* Agricultural-related uses include *“farm related commercial and industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation”*.

The subject lands are designated PRIME AGRICULTURE and GREENLANDS in the Wellington County Official Plan. All development proposed for the subject lands should occur outside the Greenlands designation.

Policy 6.4.4 of the County Official Plan permits home businesses in Prime Agricultural Areas provided they are compatible with and would not hinder surrounding agricultural uses. Small-scale home businesses are generally intended to supplement farm incomes and provide services in agricultural areas. Home businesses may include home industries small in scale and with a limited number of employees, and minimal off-site impacts. The intention is to allow businesses which supplement farm income or provide services in agricultural areas. The Official Plan and Provincial Policy Statement direct most industrial and commercial uses to Hamlets or Urban Centres.

Section 6.5.4 allows “small scale” industrial uses, provided a number of criteria are satisfied.

The subject lands are zoned Agricultural (A) in the Township of Wellington North Zoning By-law. The proposed draft by-law will rezone the property to include a site specific to allow an autobody repair shop and paint booth under the home industry provisions. Section 6.14 of the by-law regulates the establishment of home industries. Although the proposed use does not fall within the permitted uses of a home industry, in order to be consistent, the regulations as prescribed in Section 6.14 should be applied to this site to control the scale of the use. The criteria controls such things as size of building, number of employee’s, outside storage and signage.

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According to the Site Plan Control By-law, this proposal may be subject to Site Plan approval.

The proposed business would be considered a “secondary” use as per the Provincial Policy Statement definition. The concept of a secondary use has two main characteristics:

1. It should be secondary to the main permitted use. The original intent was to provide a secondary source of income/employment for farmers and/or to provide services in the agricultural area. In this instance the applicant has demonstrated agricultural activity on the property which would be considered the main use.
2. They should be small scale and should not have off-site impacts. In my opinion, the proposal is small scale. Generally, zoning by-laws attempt to limit scale in two ways; through a floor area maximum and employees
  - a) In Wellington North the maximum for any buildings constructed in conjunction with a Home Industry is 2000 square feet (Section 6.14 d). This proposal is for an 1800 sq.ft. addition to an existing agricultural building. Provided there are no openings between the buildings and the existing building is still utilized for the agricultural use, the building size would comply with the zoning by-law.
  - b) Section 16.4 (e) of the by-law limits the number of non-permanent resident employees to 2. The applicant is not proposing any employees at this time.

One of the main issues with auto repairs and paint shops is the tendency for wrecking/salvage yards to be associated with the use. In order to address this potential issue a regulation has been added in the draft zoning by-law prohibiting the outside storage of unlicensed vehicles, vehicle parts or other materials associated with the auto repair and painting.

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3. Review of Correspondence received by the Township:
  - Brandi Walter, Environmental Planner / Regulations Officer MVCA
    - No objection
  - Garth Noecker, Part Lot 17, Concession 8
    - No objection
4. The by-law will be considered at the regular Council Meeting following the Public Meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.
5. Mayor Tout opened the floor for any questions/comments.  
  
Applicant was present to answer any questions.
6. Comments/questions from Council.  
  
None.

### Application Number 2 – 7:15 p.m.

**Owners:** Florence Alice Guest and Arthur Ronald Guest  
**Applicant:** TC Machine Ltd., Trevor and Colleen Cox

**THE LOCATION OF THE SUBJECT LAND** is described as Lots 12 -19 and 20 – 27, Columbia Street and is municipally known as 111 Patrick Street, Arthur Village. The property is approximately 4 acres in area.

**THE PURPOSE AND EFFECT** of the amendment is to rezone the property from Industrial Exception (M1-22) to an appropriate zone to permit Highway Commercial uses, including trailer sales. The property is currently designated Highway Commercial in the Official Plan.

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Please note – Section 34 (12) of the Planning Act.

(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

7. Notice for this public meeting was sent to property owners within 120m and required agencies and posted on the property on December 17th, 2010.

8. Presentations by:

- Linda Redmond reviewed comments provided by Mark Van Patter, Senior Planner, dated December 23, 2010

The amendment is to rezone the property from Industrial Exception (M1-22) to permit Highway Commercial uses, including trailer sales. The application indicates that a 448 square foot addition is proposed on the shop.

The property is currently designated Highway Commercial in the Wellington County Official Plan.

In the Wellington North Zoning By-law the subject property is currently zoned Industrial Exception (M1-22) – “... the land ... may only be used for a transport establishment within the existing buildings and structures.”

Inter-County Milk Transport was situated on the property until recently. There was some contamination on site, but this has been properly cleaned-up.

The application indicates that the site will continue to be serviced by well and septic. There was some discussion earlier this year with Inter-County Milk to hook-up to municipal sewers.

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The lands immediately east of the site have residential dwellings that front on Highway 6. The proposed Highway Commercial use is likely to be more compatible than a transport operation. Rezoning to Highway Commercial would conform to the Official Plan designation for the property.

Provided the Township is satisfied that any site contamination has been dealt with and that the method of servicing is appropriate, the planner had no concerns with the request to rezone the subject lands to Highway Commercial (C2) in order to permit trailer sales.

9. Review of Correspondence received by the Township:
  - Grand River Conservation Authority
    - No Objection
  - Ministry of Transportation
    - Concerns

Ms. Redmond commented on correspondence received from the Ministry of Transportation. The Ministry is requesting the passing of a road opening by-law for Patrick Street. A Traffic Impact Study and a Stormwater Management Report/Plan are also requested. These studies would need to be completed when the land is developed. There are no changes taking place at this time. Ms. Redmond asked Gary Williamson, Manager of Public works to provide further comment.

Mr. Williamson informed the committee that he had spoken with Ian Smith, MTO, and the Township's lawyer. Patrick Street was deemed to be an open road to allow the milk transport business. Although there is no record of Patrick Street being an open road it has been an open street since the late 1950's. The road opening by-law would be considered a housekeeping issue. Mr. Williamson suggested that Mr. and Mrs. Cox contact the Ministry. If they wish to develop the land further the conditions will need to be met.

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10. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.
  
11. Mayor opens floor for any questions/comments.

The applicant was present to answer any questions.

Trevor Roberts, owner of adjoining residential property expressed concern regarding the privacy fence that was removed during the environmental cleanup. This has opened his backyard up to that property and he would like to see another fence installed or trees planted. Mr. Roberts was also concerned that manufacturing may take place on the property.

Ms. Redmond explained that if the use of the property changes then site plan approval would be required. One of the requirements of site plan approval would be a buffer between the property and residences. If a site plan is not required then a buffer would not be required. Future changes to usage would require site plan approval.

Mr. Roberts commented that he previously tried to purchase a building where he could do auto repairs and was told it would not be approved as it was in a residential area and asked how this is different as there is a residential area.

Ms. Redmond explained that the subject property is designated commercial in the Official Plan. The land Mr. Roberts talked about was designated residential and an auto repair shop is not permitted under that designation.

Mr. Roberts expressed concern about traffic, noise and lack of privacy.

The applicant informed Mr. Roberts that he will be selling enclosed trailers from the property and asked what type of fence Mr. Roberts would like. As part of the environmental cleanup part of the building was removed, they would like to replace that square footage.



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Ms. Redmond stated that part of the building permit process requires a review of the zoning. A buffer could be required as part of the zoning requirements. Site plan approval is a process that coordinates all the approvals required. If site plan approval is not required the zoning requirement of buffering can be part of the building permit process.

12. Comments/questions from Council.

Councillor Yake questioned if the proposed addition would trigger the need for a site plan agreement. Ms. Redmond commented that in her opinion it would require a site plan; however, it is up to the building official.

13. Adjournment

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C.A.O./CLERK

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MAYOR