

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, JULY 10, 2017 – 2:00 P.M.  
A06/17 and A07/17**

The Committee of Adjustment met in the Plume Room at the Mount Forest & District Sports Complex.

**Members Present: Chairman:** Andy Lennox  
Sherry Burke  
Lisa Hern  
Steve McCabe  
Dan Yake

<b><u>Also Present:</u></b>	<b>Secretary-Treasurer, Clerk:</b>	<b>Karren Wallace</b>
	<b>CAO/Deputy Clerk:</b>	<b>Michael Givens</b>
	<b>Executive Assistant:</b>	<b>Cathy Conrad</b>
	<b>Treasurer:</b>	<b>Kimberly Henderson</b>
	<b>Interim Director of Public Works:</b>	<b>Derek McCaughan</b>
	<b>Economic Development Officer:</b>	<b>Dale Small</b>
	<b>Chief Building Official:</b>	<b>Darren Jones</b>
	<b>Director of Recreation, Park and Facilities:</b>	<b>Barry Lavers</b>
	<b>Manager of Planning and Environment:</b>	<b>Linda Redmond</b>

**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 2017-12**

**Moved by:** Member Burke

**Seconded by:** Member Hern

*THAT the Committee of Adjustment meeting minutes of May 23, 2017 be adopted as presented.*

**CARRIED**

**APPLICATION A06/17**

**Owners/Applicant: 2551405 Ontario Ltd.**

**The location of the subject property** is described as Mount Forest James Ellis Survey, Part Lot 8, Part Park Lot 9, S Queen Street, RP 61R20624, Parts 2 to 4 with a civic address of 466 Queen Street West, Mount Forest. The subject land is approximately 0.22 ha (0.54 ac).

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**The purpose and effect** of the application is to reduce the required minimum side yard setbacks, drainage ditch setback, and the buffer area requirements to adjacent properties. The applicant is proposing to construct a 6-unit residential building. Other variances may be considered where deemed appropriate.

**NOTICE OF THIS MEETING** was mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on June 28, 2017 pursuant to the provisions of the Planning Act.

**PRESENTATION**

Linda Redmond reviewed comments provided by Curtis Marshall, Senior Planner, dated July 4, 2017.

**Planning Comments:** The variances requested would provide relief from the required minimum side yard setbacks, drainage ditch setback, and the buffer area requirements to adjacent properties. The applicant is proposing to construct a 6-unit residential building.

We are recommending that the application be deferred to allow for the Site Plan Application to be circulated and to provide commenting agencies and departments an opportunity to review the application. The proposed site design and building layout may need to be revised based on technical comments received which could impact the requested relief. Furthermore, we would like to obtain additional information on the requested buffering relief from the applicant before providing a recommendation to the Committee of Adjustment

**SUBJECT PROPERTY AND LOCATION**

The subject lands are described as Mount Forest James Ellis Survey, Part Lot 8, Part Park Lot 9, S Queen Street, RP 61R20624, Parts 2 to 4 with a civic address of 466 Queen Street, Mount Forest. The subject land is approximately 0.22 ha (0.54 ac). The location of the property is shown on the map below.

**PROPOSAL**

The variances requested would provide relief from the required minimum side yard setbacks, drainage ditch setback, and the buffer area requirements to adjacent properties. The applicant is proposing to construct a 6-unit residential building.

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated RESIDENTIAL. 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

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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 High Density Residential with a site specific exception (R3-54). The applicant is proposing to construct a 6-unit residential building. It appears that the applicants have applied the apartment zoning standards (Section 13.2.3), however the proposed building does not meet the definition of an “Apartment” as the building does not have a common entrance and common indoor hallway/corridor. No information has been provided regarding the requested relief to the buffering requirements.

The applicant has recently submitted a Site Plan Application to the Township for review. The application was received by the County today (July 4, 2017). We are recommending that the application be deferred until the application can be circulated and reviewed to confirm applicable zoning standards, that sufficient variances have been requested by the applicant, and the details of the proposed buffering.

**CORRESPONDENCE/COMMENTS RECEIVED**

Erik Downing, Manager, Environmental Planning & Regulations, Saugeen Valley Conservation Authority

- Proposal is generally acceptable. Recommendation to address drainage via approved engineer’s report

**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.

Pieter Hoogendoorn, 480 Queen Street, Mount Forest, inquired about the installation and height of a privacy fence and drainage. He commented that he would like to see the plans for the development.

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Lyle Bender, 782 Princess Street, Mount Forest, owns the six-plex beside the proposed development and inquired if the development is still in the preliminary phase.

Linda Redmond, Manager of Planning and Environment, stated that the site plan application is public information. If landowners would like to view the application they can inquire at the municipal office.

**COMMENTS/QUESTIONS FROM THE COMMITTEE**

The Committee supported deferring the application until agencies review and provide comments.

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 2017-13**

Moved by: Member McCabe

Seconded by: Member Burke

*THAT the minor variance applied for in Application A06/17 to reduce the required minimum side yard setbacks, drainage ditch setback, and the buffer area requirements to adjacent properties, for the property described as Mount Forest James Ellis Survey, Part Lot 8, Part Park Lot 9, S Queen Street, RP 61R20624, Parts 2 to 4 with a civic address of 466 Queen Street West, Mount Forest, be deferred to allow for the Site Plan Application to be circulated and to provide commenting agencies and departments an opportunity to review the application.*

**CARRIED**

**APPLICATION A07/17**

**Owners/Applicant: Philip Bauman**

**NOTICE OF THIS MEETING** was mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on June 28, 2017 pursuant to the provisions of the Planning Act.

**PRESENTATION**

Linda Redmond reviewed comments provided by Curtis Marshall, Senior Planner, dated July 4, 2017.

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Planning Comments: The variances requested would permit the construction of an addition to the existing barn for beef cattle. The location of the proposed barn addition does not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling.

We have no concerns with the relief requested for the barn addition. The location of the proposed addition provides operational efficiency and the location of the existing home, barn and barn yard also limits where an addition can be added to the barn. 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 property is described as Lot 7, Concession 6 North, with a civic address of 7449 Sideroad 3 East. The subject property has an area of approximately 40.46 ha (100 ac) and is occupied by a farming operation including a residence, barn and sheds.

**PROPOSAL**

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirement from the nearest neighbours dwelling for a proposed barn addition. The owner is proposing to construct an addition to the exiting barn to house beef cattle.

**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, GREENLANDS, and is identified as being partially within the Mineral Aggregate Resource Overlay (Gravel). 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

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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 barn addition does not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling.

According to the calculations submitted with the application all other MDS requirements can be met.

The following relief is required:

	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Barn addition</b> MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	124 m (406 ft.)	75 m (245 ft.)	49 m (161 ft.)

**CORRESPONDENCE/COMMENTS RECEIVED**

Michael Oberle, Environmental Planning Technician, Saugeen Valley Conservation Authority

- Proposed minor variance is acceptable

**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.

David Carter, owner of property directly across road from the subject property expressed concerned regarding the distance. Mr. Carter questioned how this barn addition will affect them in future if they want to build a new house or drill a well. Mayor Lennox commented that Mr. Carter's house is within the

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required distance and would have to stay the same distance or further away. MDS is only for odour issues. Darren Jones, CBO, stated that a house could be built where the existing house is. Mr. Carter stated that there is a tenant in the house and asked who would be responsible for fixing problems that arise. How will the additional manure be handled? Mayor Lennox commented that MDS is for odour only. The proposed barn addition looks like it will improve the odour issue. Ms. Redmond stated that the applicant hasn't indicated new manure storage and asked the applicant to speak to this. Mr. Bauman commented that the current manure storage is covered and is large enough for the expanded cattle housing. Mr. Carter stated he is concerned how this will affect his property value.

**COMMENTS/QUESTIONS FROM THE COMMITTEE**

Councillor Hern commented that covered manure storage is good for the environment as it reduces run off.

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.

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**RESOLUTION NUMBER CoA 2017-14**

Moved by: Member McCabe

Seconded by: Member Burke

*THAT the minor variance applied for in Application A07/17, for the property described as Lot 7, Concession 6 North with a civic address of 7449 Sideroad 3 East, to provide the following relief :*

1. *THAT a Minimum Distance Setback II (MDS II) of 75 m (246 ft.) to the neighbouring dwelling at 7458 Sideroad 3 East be permitted, whereas section 6.17.2 and 8.8 of the By-law permits a Minimum Distance Setback II (MDS II) of 124 m (407 ft.).*

*be authorized.*

**CARRIED**

**ADJOURNMENT**

**RESOLUTION NUMBER CoA 2017-15**

Moved by: Member Hern

Seconded by: Member Burke

*THAT the Committee of Adjustment meeting of July 10, 2017 be adjourned at 2:26 p.m.*

**CARRIED**

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Secretary Treasurer

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Acting Chair