

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, OCTOBER 23, 2017 – 7:00 P.M.  
A09/17**

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

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

**Also Present:**

Secretary-Treasurer, Clerk:	Karren Wallace
CAO/Deputy Clerk:	Michael Givens
Deputy Clerk:	Catherine Conrad
Treasurer:	Kimberly Henderson
Interim Director of Public Works:	Derek McCaughan
Chief Building Official:	Darren Jones
Director of Recreation, Park and Facilities:	Barry Lavers
Fire Chief:	David Guilbault
Manager, Mount Forest Sports Complex:	Mark McKenzie
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 2017-20**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the Committee of Adjustment meeting minutes of August 28, 2017 be adopted as presented.*

**CARRIED**

**APPLICATION A09/17**

**Owners/Applicant: Lloyd, Stuart and Mark Wright**

**The location of the subject property** is described as Lot 25, WOSR DIVS 1 to 4, geographic Arthur Township, with a civic address of 7591 Sideroad 8 W, Kenilworth. The subject land is approximately 79.7 ha (197 acres) and is occupied by an existing dairy operation.

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**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 expand their existing dairy operation by constructing a new barn and liquid manure tank. The required MDS 2 distances to the nearest neighbour's dwelling cannot be met. 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 October 12, 2017 pursuant to the provisions of the Planning Act.

**PRESENTATION**

Curtis Marshall, Senior Planner, reviewed his comments dated October 16, 2017.

Planning Comments: The variances requested would permit the construction of a new dairy barn and liquid manure tank. The manure tank is being located to allow for gravity flow from the new barn to the tank. The location of the proposed barn and manure tank do 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 new barn and liquid manure tank provides operational efficiency. The structures are proposed to be built at the rear of the existing farm building cluster which is furthest from the neighbouring home. 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 25, WOSR DIVS 1 to 4, with a civic address of 7591 Sideroad 8 West. The subject property has an area of approximately 79.7 ha (197 ac) and is occupied by a farming operation including a dwelling, barns 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 new dairy barn and 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 #43 of the MDS Implementation Guidelines outlines that minor variances to MDS II distances can be considered based on site specific

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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. 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 location of the proposed new barn and liquid manure tank do 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:

	Required	Proposed	Difference
New Dairy barn MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	194 m (636 ft.)	159 m (523 ft.)	35 m (113 ft.)
New Manure Tank MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	274 m (901 ft.)	219 m (717 ft.)	55 m (184 ft.)

**CORRESPONDENCE/COMMENTS RECEIVED**

None received.

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**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 persons were present to make oral and/or written submissions against the proposed minor variance.

**COMMENTS/QUESTIONS FROM THE COMMITTEE**

The Committee was supportive of the application.

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 2017-21**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the minor variance applied for in Application A09/17, for the property described as Lot 25, WOSR Divs 1 to 4, geographic Township of Arthur, 7591 Sideroad 8 West, to provide the following relief:*

- 1. THAT an MDS II Setback to a Type A Land Use of 159 m (523 ft.) for a new dairy barn be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 194 m (636 ft.)*
- 2. THAT an MDS II Setback to a Type A Land Use of 219 m (717 ft.) for a manure tank be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 274 m (901 ft.).*

*be authorized.*

**CARRIED**

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**ADJOURNMENT**

**RESOLUTION NUMBER CoA 2017-22**

Moved by: Member Burke

Seconded by: Member McCabe

*THAT the Committee of Adjustment meeting of October 23, 2017 be adjourned at 7:30 p.m.*

**CARRIED**

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Secretary Treasurer

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Chair