

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, NOVEMBER 6, 2017 – 2:00 P.M.
A10/17**

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

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

Member Absent: Sherry Burke

Also Present: Secretary-Treasurer, Clerk: Karren Wallace
CAO/Deputy Clerk: Michael Givens
Deputy Clerk: Catherine Conrad
Treasurer: Kimberly Henderson
Chief Building Official: Darren Jones
Economic Development Officer: Dale Small
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 2017-23

Moved by: Member Yake

Seconded by: Member McCabe

THAT the Committee of Adjustment meeting minutes of October 23, 2017, Application A09/17 be adopted as presented.

CARRIED

APPLICATION A10/17

Owners/Applicant: Allette Holsteins Ltd.

The location of the subject property is described as Part Lot 3, Concession 6, geographic Arthur, Township, with a civic address of 9531 Concession 6 N. The subject land is approximately 37.56 ha (92.81 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 an existing dairy barn. The required MDS 2 distances to two neighbouring dwellings and the road allowances (Concession 6 N & Sideroad 2 E) 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 25, 2017 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed his comments dated October 30, 2017.

Planning Comments: The variances requested would permit the expansion of an existing dairy barn. The location of the expansion does not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling and the adjacent road allowances (Concession 6N & Sideroad 2E).

We have no concerns with the relief requested for the barn addition. The location of the proposed addition provides operational efficiency and locating the building addition in another location would cause similar MDS II conflicts as the existing nearest neighbours dwelling is 86 m (282 ft.) away. 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 Part Lot 3, Concession 6, with a civic address of 9531 Concession 6 N, geographic Township of Arthur. The subject land is approximately 37.56 ha (92.81 acres) and is occupied by an existing dairy operation. The location of the property is shown on the map below.

PROPOSAL

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirement from the nearest neighbours dwelling and the adjacent road allowances (Concession 6N & Sideroad 2E) for a proposed barn addition.

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 barn addition does not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling and the adjacent road allowances (Concession 6N & Sideroad 2E).

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

The following relief is required:

	Required	Proposed	Difference
Dairy Barn Addition MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	226 m (740 ft.)	71 m (233 ft.)	155 m (508.5 ft.)
MDS II setbacks to Road Allowance- Concession 6N (Sections: 6.17.2 & 8.8)	45 m (148 ft.)	28 m (92 ft.)	17 m (184 ft.)
MDS II setbacks to Road Allowance- Sideroad 2 E (Sections: 6.17.2 & 8.8)	45 m (148 ft.)	41 m (134.5 ft.)	4 m (13 ft.)

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CORRESPONDENCE/COMMENTS RECEIVED

Michael Oberle, Environmental Planning Technician, SVCA

- The 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.

Nikolas Kohek, 978 First Ave. W., Owen Sound, the applicant's agent was present to answer questions regarding the application. He explained that the existing barn already does not conform. There is no reasonable alternative for expansion due to location of barn and existing manure storage.

- 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 inquired how many days of storage the expansion will allow for and if it was sufficient. The applicant advised that there will be enough room for 360 days storage, which is sufficient.

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 2017-24

Moved by: Member McCabe

Seconded by: Member Yake

THAT the minor variance applied for in Application A10/17, for the property described as Part Lot 3, Concession 6, Geographic Arthur Township (9531 Concession 6 North), to provide the following relief:

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1. *THAT an MDS II Setback to a Type A Land Use of 71 m (233 ft.) for a dairy barn addition be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 226 m (740 ft.).*
2. *THAT an MDS II Setback to a road allowance (Concession 6 North) of 28 m (92 ft.) for a dairy barn addition be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 45 m (148 ft.).*
3. *THAT an MDS II Setback to a road allowance (Sideroad 2 East) of 41 m (134.5 ft.) for a dairy barn addition be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 45 m (148 ft.).*

be authorized.

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2017-25

Moved by: Member McCabe

Seconded by: Member Yake

THAT the Committee of Adjustment meeting of November 6, 2017 be adjourned at 2:14 p.m.

CARRIED

Secretary Treasurer

Chair