



7490 Sideroad 7 W, PO Box 125,  
Kenilworth, ON N0G 2E0

[www.wellington-north.com](http://www.wellington-north.com)

519.848.3620

1.866.848.3620 FAX 519.848.3228

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## Committee of Adjustment

Monday, November 5, 2018

2:00 p.m.

Municipal Office Council Chambers, Kenilworth

### AGENDA

AGENDA ITEM	PAGE NO.
<b><u>CALLING TO ORDER</u></b>	
- Chairman Lennox	
<b><u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u></b>	
<b><u>MINUTES OF PREVIOUS MEETING(S)</u></b>	
Committee of Adjustment, September 10, 2018 (A15-18)	1
<b><u>APPLICATION A16-18</u></b>	
<b><u>OWNERS/APPLICANT</u></b>	
- 1236757 Ontario Inc.	
<b><u>LOCATION OF THE SUBJECT LAND</u></b>	6
The location of the subject property is described as Part Park Lots 5 & 6, S/S Domville St being Arthur Crown Survey, Part 1, Plan 60R-3036, and Parts 1 & 2, Plan 60R-1199 except Part 1 Plan 61R-6456, geographic Township of Arthur, with a civic address of 333 Domville Street, Arthur. The subject land is approximately 7.74 ha (19.14 ac) in size and the location of the property is shown on the map attached.	

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
<p><b><u>PURPOSE AND EFFECT OF THE APPLICATION</u></b></p> <p>The purpose and effect of the application is to provide relief from the minimum setback requirements to a drainage ditch for a proposed addition to an existing structure. The proposed variance is being requested in order to allow the auto parts manufacturing plant to expand its operations. Other variances may be considered where deemed appropriate.</p> <p><b><u>SECRETARY TREASURER</u></b></p> <p>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 October 25, 2018.</p> <p><b><u>PRESENTATIONS</u></b></p> <p>Curtis Marshall, MCIP, RPP, Senior Planner</p> <ul style="list-style-type: none"><li>- See attached comments prepared by Jessica Rahim, Junior Planner</li></ul> <p><b><u>CORRESPONDENCE FOR COMMITTEE’S REVIEW</u></b></p> <p>None.</p> <p><b><u>REQUEST FOR NOTICE OF DECISION</u></b></p> <p>Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p><b><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></b></p> <p>Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p>Are there any persons present who wish to make oral and/or written submissions against this application?</p>	<p>7</p>

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
<b><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></b>  <b><u>ADJOURNMENT</u></b>	

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, SEPTEMBER 10, 2018 – 2:00 P.M.  
A15/18**

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

**Members Present:**

**Chairman: Andrew Lennox  
Sherry Burke  
Lisa Hern  
Dan Yake**

**Absent:**

**Steve McCabe**

**Staff Present:**

<b>Director of Legislative Services/Clerk:</b>	<b>CAO: Michael Givens</b>
<b>Deputy Clerk:</b>	<b>Karren Wallace</b>
<b>Chief Building Official:</b>	<b>Catherine Conrad</b>
<b>Director of Finance:</b>	<b>Darren Jones</b>
<b>Economic Development Officer:</b>	<b>Adam McNabb</b>
<b>Director of Operations:</b>	<b>Dale Small</b>
<b>Human Resources Manager:</b>	<b>Brent Lauber</b>
<b>Facility Manager:</b>	<b>Chanda Riggi</b>
<b>Emergency Manager/CEMC:</b>	<b>Tom Bowden</b>
<b>Manager of Planning &amp; Environment:</b>	<b>Linda Dickson</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 2018-27**

**Moved by: Member Hern**

**Seconded by: Member Yake**

*THAT the Committee of Adjustment meeting minutes of June 25, 2018 – A11/18 and A14/18 be adopted as presented.*

**CARRIED**

**APPLICATION A15/18**

**Owners/Applicant: Weber, Cleon, Verna and Dwayne**

**The location of the subject property** is described as Lot 4, Concession WOSR geographic Township of Arthur, with a civic address of 9816 Highway 6. The subject land is approximately 8.9 ha (22 ac).

**The purpose and effect of the application** is to provide relief from the Minimum Distance Separation 2 (MDS 2) setback requirements (setback of barn to the rear lot line), the rear yard setback requirement, and the minimum lot area requirements for agricultural uses, building and structures in an agricultural zone. The applicants are proposing to build a new broiler chicken barn on a lot less than 10.1 ha (25 ac) and with a rear yard setback of 8 m (25 ft). 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 signage was posted on the subject property on August 30, 2018 pursuant to the provisions of the Planning Act.

### **PRESENTATION**

Linda Redmond, Manager of Planning and Environment, County of Wellington reviewed comments prepared by the County of Wellington Planning and Development Department, dated September 4, 2018.

The Committee was advised the comments were formulated without the benefit of a site visit.

#### **Planning Opinion:**

The variances being requested would provide relief from the Minimum Distance Separation 2 (MDS 2) rear yard setback requirement, and the rear yard setback and the minimum lot area requirements for agricultural uses, building and structures in an agricultural zone. The applicants are proposing to build a new broiler chicken barn on a lot less than 10.1 ha (25 ac) and with a rear yard setback of 8 m (25 ft).

We have no concerns with the relief requested and 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.

### **SUBJECT PROPERTY AND LOCATION**

The location of the subject property is described as Lot 4, Concession WOSR geographic Township of Arthur, with a civic address of 9816 Highway 6. The subject land is approximately 8.9 ha (22 ac) with a single detached dwelling and barns. The location of the property is shown on Figure 1.

**PROPOSAL**

This proposal is to provide relief from the Minimum Distance Separation 2 (MDS 2) rear yard setback requirement, and the rear yard setback and the minimum lot area requirements for agricultural uses, building and structures in an agricultural zone. The applicants are proposing to build a new broiler chicken barn on a lot less than 10.1 ha (25 ac) and with a rear yard setback of 8 m (25 ft).

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated Prime Agricultural within the County Official Plan. 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) Zone.

Section 8.2.1 a) of the by-law outlines minimum lot area requirements for agricultural uses, buildings and structures. The applicants are proposing to construct a broiler chicken barn on the subject lands with a lot area of 8.9 ha (22 ac) where the required lot area for agricultural uses, building and structures is 10.1 ha (25.0 ac). The applicants are also proposing to construct the new barn with a rear yard setback of 8 m (25 ft) where the required setback for MDS II to the nearest lot line is 16 m (51 ft). Additionally, Section 8.2.6 c) of the By-law requires a minimum 18.3 m (60.0 ft) rear yard setback for new barns. The applicants have indicated that they own the 102 ha (254 ac) behind the subject lands which are separated by a former railway line. The proposed new broiler barn is to be located on the smaller lot to allow for the barn to be located within the existing farm cluster and dwelling. Staff have no concerns with the proposed new barn location and are satisfied that the general intent of the zoning by-law is maintained.

	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Minimum Lot Area</b> (Section 8.2.1 a)	10.1 ha (25 ac)	8.9 ha (22 ac)	1.2 ha (3 ac)
<b>Minimum Distance Separation II (MDS II)</b> (Section 6.17.2 & 8.8)	16 m (51 ft)	8 m (25 ft)	8 m (26 ft)
<b>Minimum Rear Yard Setback</b> (Section 8.2.6 c)	18.3 m (60.0 ft) or applicable MDS requirements whichever is greater.	8 m (25 ft)	10.3 m (33.8 ft)

### **CORRESPONDENCE/COMMENTS RECEIVED**

Michael Oberle, Environmental Planning Technician, SVCA

- Proposed Minor Variance is acceptable

Ministry of Transportation

- No objection, permits not 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 applicants were present to answer any questions regarding their application.

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

Peter Delange, 9822 Highway 6, expressed his concern regarding lack of notification, building a chicken barn on a smaller property, decreasing property value and negative effects on neighbouring properties including noise, odours and dust. Mr. Delange requested that a decision be deferred to allow him time to research the application.

Mr. Delange was informed that his property is outside the required 60m notification area. The barn is outside of the MDS requirements.

### **COMMENTS/QUESTIONS FROM THE COMMITTEE**

Councillor Burke inquired how many notifications were sent to property owners. Darren Jones, CBO, provided that there were eight properties within 60 m of subject property that received notices.

Councillor Yake asked if the applicant could move the location of the building on the property. The applicant responded that the proposed building meets all the minimum distance requirements. The variance is only required because the property is smaller.

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 2018-28**

Moved by: Member Yake

Seconded by: Member Hern

*THAT the minor variance applied for in Application A15/18, for the property described as Part Lot 4, WOSR, Geographic Arthur Township (9816 Highway 6), to provide the following relief:*

1. *THAT a minimum lot area of 8.9 ha (22 ac) for agricultural uses, building and structures be permitted, whereas Section 8.2.1(a) of Zoning By-law 66-01 requires 10.1 ha (25 ac);*
2. *THAT a reduced rear yard setback of 8 m (25ft) (nearest lot line) be permitted whereas Sections 6.17.2 and 8.8 of Zoning By-law 66-01 requires 16m (51 ft) to the nearest lot line as per the MDS II calculation.*
3. *THAT a reduced rear yard setback of 8 m (25ft) be permitted whereas Section 8.2.6(c) of Zoning By-law 66-01 requires 18.3 m (60.0 ft) or applicable MDS requirements whichever is greater.*

*be authorized.*

**CARRIED**

**ADJOURNMENT**

**RESOLUTION NUMBER CoA 2018-29**

Moved by: Member Hern

Seconded by: Member Yake

*THAT the Committee of Adjustment meeting of September 10 2018 be adjourned at 3:13 p.m.*

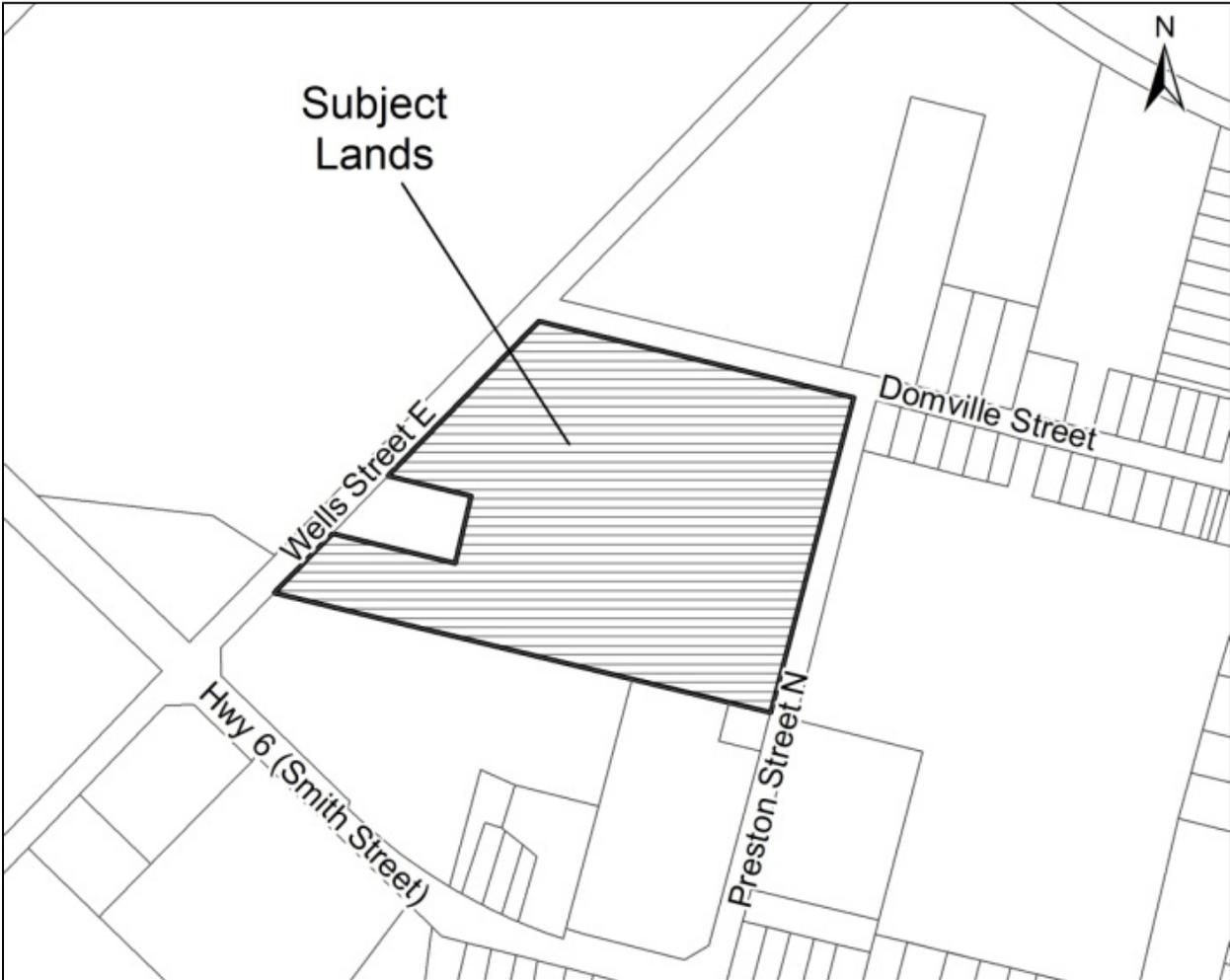
**CARRIED**

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Secretary Treasurer

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Chair



**A16-18 – 1236757 ONTARIO INC.**



# 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

October 29, 2018

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 A16/18**  
**Part of Park Lot 5 and 6 RP 60R119 Part 1 and 2, Arthur**  
**Musashi Auto Parts Canada Inc.**

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 provide relief from the minimum setback requirements to the drainage ditch that is not situated within the Natural Environment Zone. The applicant is proposing an addition to the existing auto parts manufacturing plant with a reduced setback of 7.5 m (24.6 ft) to the drainage ditch, where the required setback is 15 m (49.2 ft).

We have no concerns with the relief requested, and are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law provided that Grand River Conservation Authority has no concerns with the request. The proposed addition 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 Park Lots 5 & 6, S/S Domville St being Arthur Crown Survey, Part 1, Plan 60R-3036, and Parts 1 & 2, Plan 60R-1199 except Part 1 Plan 61R-6456, geographic Township of Arthur, with a civic address of 333 Domville Street, Arthur. The subject land is approximately 7.74 ha (19.14 ac). The location of the property is shown on Figure 1.

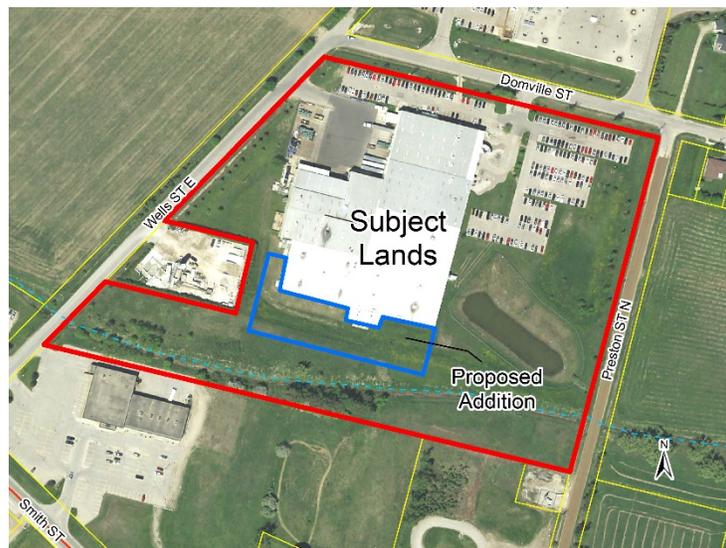


Figure 1

**PROPOSAL**

The purpose of this application is to provide relief from the minimum setback requirements to the drainage ditch that is not situated within the Natural Environment Zone. The applicant is proposing an addition to the existing auto parts manufacturing plant with a reduced setback of 7.5 m (24.6 ft) to the drainage ditch, where the required setback is 15 m (49.2 ft).

**WELLINGTON COUNTY OFFICAL PLAN**

The subject property is designated INDUSTRIAL and CORE GREENLANDS. Identified features include Slope Valley and Flood Plain. 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**

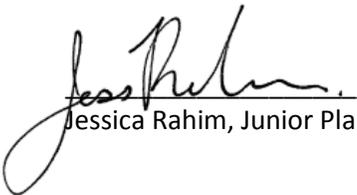
The subject property is zoned Industrial (M1) and M1(H) holding zone, which permits automotive manufacturing and assembly plants. The applicant is proposing to construct an addition to the existing structure, with a reduced setback to the drainage ditch. The 7.5 m should provide an adequate setback from the drainage ditch. The committee should consider any applicable comment of the Grand River Conservation Authority.

The variance requested would provide relief from Section 6.20.2 c) of Zoning By-law 66-01 to construct an addition to the existing auto parts manufacturing plant with a reduce setback of 7.5 m (24.6 ft) to the drainage ditch not situated within the Natural Environment Zone where the by-law requires 15 m (49.2 ft).

<b>Semi-Detached Dwelling</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Municipal Drain and Watercourse Setbacks</b> (Section 6.20.2 c)	15 m (49.2 ft)	7.5 m (24.6 ft)	7.5 m (24.6 ft)

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

Yours truly,



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Jessica Rahim, Junior Planner