

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
JULY 6, 2020 @ 7:00 P.M.
VIA WEB CONFERENCING**

Members Present:

**Chair: Andrew Lennox
Sherry Burke
Lisa Hern
Steve McCabe
Dan Yake**

Staff Present:

Chief Administrative Officer:	Michael Givens
Director of Legislative Services/Clerk:	Karren Wallace
Deputy Clerk:	Catherine Conrad
Chief Building Official:	Darren Jones
Manager of Planning and Environment:	Linda Redmond

CALLING TO ORDER - Chair Lennox

Chair Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

Member Hern declared pecuniary interest with Application A05/20 Gerrit Rien & Janneke Dekker as she is a member of the Normal Farm Practices and Protection Board.

MINUTES OF PREVIOUS MEETING(S)

RESOLUTION: CoA 2020-020

Moved: Burke

Seconded: Yake

THAT the Committee of Adjustment meeting minutes of June 8, 2020 – A05/20 & A06/20 be adopted as presented.

CARRIED

APPLICATION

A04/20 – Enoch Martin

THE LOCATION OF THE SUBJECT is described as Concession 14, West Part Lot 17 and is Municipally known as 8691 Highway 89, Geographic Township of West Luther. The property is approximately 40.64 ha (100 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the maximum floor area requirements for a proposed home industry (welding and machine shop) on the subject property. The proposed variances will permit an increased floor area of 371.6 m² (4,000 ft²), whereas the zoning by-law permits a maximum floor area of 232.25 m² (2,500 ft²). Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on June 23, 2020.

PRESENTATIONS

Linda Redmond, Manager of Planning and Environment reviewed comments provided by Jessica Rahim, Planner, County of Wellington, Township of Wellington North

- Planning Report dated June 22, 2020

PLANNING OPINION: The variance requested would provide relief from the maximum floor area requirements for a home industry (welding and machine shop). The applicants are proposing to construct a 74.3 m² (800 ft²) addition to the existing 297.3 m² (3200 ft²) shed in order to operate the proposed home industry within a 371.61 m² (4,000 ft²) building which exceeds the permitted size.

The Committee should be satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law provided that the home industry remains small scale and secondary to the main use on the property and that the proposed home industry (welding and machine shop) 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 Concession 14, West Part Lot 17 and is Municipally known as 8691 Highway 89, Geographic Township of West Luther. The property is approximately 40.64 ha (100 ac) in size with an existing dwelling, barns and sheds.

PROPOSAL

The purpose of this application is to provide relief from the maximum floor area requirements for a proposed home industry (welding and machine shop) on the subject property. The proposed variances will permit an increased floor area of 371.6 m² (4,000 ft²), whereas the zoning by-law permits a maximum floor area of 232.25 m² (2,500 ft²).

Provincial Policy Statement (PPS)

The subject property is within an area of prime agricultural land. Under the PPS permitted uses within *prime agricultural areas* include: *agricultural uses*, *agricultural related uses*, and *on-farm diversified uses*.

An *on-farm diversified use* is defined as: uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified include, but are not limited to home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. Identified features include provincially significant wetlands, wetlands and flood plain. The proposed home industry is located outside the Core Greenland features on the property.

Under section 6.4.3 of the Plan, secondary uses including home businesses and farm businesses are permitted. Section 6.4.4 further outlines that a home business includes home industries which “are small in scale with a limited number of employees, and minimal off site impacts – examples include minor equipment repair, woodworking, crafts, and welding”.

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) zone. The applicants are proposing to construct a 74.3 m² (800 ft²) addition to the existing 297.3 m² (3,200 ft²) shed for a total floor area of 371.6 m² (4000 ft²) for the proposed home industry (welding and machine shop). The applicants have indicated that the welding and machine shop will include the construction of silo unloaders, as well as custom welding for items such as, but not limited to silo unloader parts, pig feeder hoppers, and loading dock bumpers.

The home industry is to remain small scale and secondary to the main use on the property. The applicants have indicated that there are currently no employees that reside off the subject property, no outdoor storage will be used for the home industry, and there will be limited deliveries (2-5 trucks a week) to the subject property for the home industry use. The property appears to be large enough to accommodate the oversized building.

The variance requested would provide relief from Section 6.14 d) of Zoning By-law 66-01 to construct a new home industry (welding and machine shop) with an increased floor area of 371.61 m² (4,000 ft²).

Shop	Required	Proposed	Difference
Home Industry Regulations (6.14 d)	232.25 m ² (2,500 ft ²)	371.61 m ² (4,000 ft ²)	139.36 m ² (1,500 ft ²)

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Laura Warner, Resource Planner, Grand River Conservation Authority

- Plan Review Report dated June 29, 2020 (No Objection)
- Grand River Conservation Authority Map

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

No one was present to provide comments or questions.

COMMENTS/QUESTIONS FROM THE COMMITTEE

McCabe inquired if the use could change. Ms. Redmond responded that the change would have to be allowed under the Zoning By-law. The large difference applied for is due to the size of the items being created.

DECISION

CALL FOR VOTE-SHOW OF HAND

THAT the minor variance applied for in Application A04/20, for the property described as Concession 14, West Part Lot 17 and is Municipally known as 8691 Highway 89, Geographic Township of West Luther, to provide the following relief;

1. THAT an increased maximum floor area of 371.6 m² (4,000 ft²) be permitted, for a proposed home industry (welding and machine shop), whereas the By-Law permits a maximum of 232.25 m² (2,500 ft²).

APPROVED

Member Lisa Hern left the meeting as she had previously declared a pecuniary interest on A05/20 – Gerrit Rien and Janneke Dekker item.

APPLICATION

A05/20 – Gerrit Rien & Janneke Dekker

THE LOCATION OF THE SUBJECT PROPERTY is described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6. The subject land is approximately 40 ha (98.8 ac).

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage. The proposed variances will permit a reduced side yard setback of 4.5 m (15 ft) whereas the by-law requires 18.3 m (60 ft) for accessory building to an agricultural use. Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on June 23, 2020.

PRESENTATIONS

Linda Redmond, Manager of Planning and Environment reviewed comments provided by Jessica Rahim, Planner, County of Wellington, Township of Wellington North

- Planning Report dated May 26, 2020

PLANNING OPINION: The variance requested is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage area. The proposed variance will permit a reduced side yard setback of 4.5 m (15 ft) whereas the Zoning By-law requires a minimum setback of 18.3m (60 ft) for accessory buildings to an agricultural use.

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 DIVS 1 to 2 Lots 15 WOSR (Arthur Township) and is Municipally known as 9356 Highway 6. The property is approximately 40 ha (98.8 ac) in size.

PROPOSAL

The purpose of this application is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage. The proposed variances will permit a reduced side yard setback of 4.5 m (15 ft) whereas the by-law requires 18.3 m (60 ft) for accessory building to an agricultural use.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. The farm building cluster is well removed from the Greenlands area. 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), Agricultural Exception (A-1) and Natural Environment (NE). The proposed bunker silos are to be located within the A-1 zone portion of the property. The A-1 zone permits all uses permitted within the A zone except that new livestock facilities shall not be permitted. The applicants are proposing to construct three bunker silos to store their feed for the existing livestock barns on the property. The bunker silos are considered an accessory use to the farm and are therefore permitted within the A-1 zone. The proposed bunker silo location is within the existing farm building cluster on the subject property, and the feed is currently stored outside in a pile at this location with no required setback. The 4.6m (15 ft) setback allows for sufficient space to maintain the side of the bunker silo and there does not appear to be any impacts on neighbouring properties.

The variance requested would provide relief from Section 8.2.4 d) of Zoning By-law 66-01 to allow for a reduced side yard setback of 4.6 m (15 ft) to permit a bunker silo within the farm building cluster.

Accessory Bunker Silo	Permitted	Proposed	Difference
Interior Side Yard Setback (Section 8.2.4. d)	18.3m (60.0 ft)	4.6 m (15 ft)	13.7 m (45 ft)

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Noah & Verna Martin

- Letter dated June 4, 2020 (Objection)

Francis & John MacVicar

- Letter dated June 29, 2020 (No Objection)

Normal Farm Practices Board

- Letter to Kent Benson dated June 30, 2020

Andrew Barrie, OMAFRA

- Email dated July 2, 2020

Scott Hartle, Dairy Farmers of Ontario (In Support)

- Email dated July 3, 2020

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

Rien Dekker, Applicant, was present via video conference to answer questions regarding the application.

Kent Benson, 9357 Highway 6, was present via telephone to object to the application due to the issue with the manure tank being too close to his property. The bunker silo will be in direct line with his house and he has concerns regarding dust and his view. Mr. Benson questioned why construction started prior to obtaining a minor variance. He did not feel the difference in distance from the property line being requested is minor.

Mr. Noah Martin, owner of 9372 Highway 6, was present via telephone and had nothing further to add to the concerns outlined in his letter.

Mr. Dekker commented that the manure pit is not directly in line with Mr. Benson's house. Once the silos are in place there will not be dust. The letter from the Normal Farm Practices and Protection Board confirms that the application for a minor variance has no bearing on the pending hearing. If the bunker silos cannot be built the feed will be placed on the cement pad there anyway. He could build closer to the road without a minor variance. It is necessary to put the bunker silos in this location to keep feed storage together and will be of benefit in the wintertime.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Member McCabe asked for clarification on the four tests of a minor variance and how the Committee is to consider the application separate from the Normal Farm Practices Protection Board hearing. Karren Wallace, Clerk, explained that the four tests include: is the variance minor in nature, is the general intent and purpose of the Zoning By-law maintained, is the general intent and purpose of the Official Plan maintained, and is it appropriate and desirable development for the area. All four tests must be met to be successful. The variance should be considered without thought to the pending hearing.

Member Burke asked Mr. Dekker to confirm that he would not move the bunker silos and will use the cement pad as is if the minor variance is not granted. Mr. Dekker replied that he will store feed on the pad without the walls. He could build closer to the road without a minor variance, which the neighbours would have issues with. He explained that the area behind the manure pit is too low and wet to build, which would risk flooding and spoiling the feed.

Chair Lennox added that if you have driven by the area you will realize that feed has been stored there for years. A bunker silo will have less challenge visually and fewer challenges with odor and water. From his experience a bunker silo is far superior to storing feed on the ground.

Member Burke expressed concern that approval will set a procedural precedent and others will start projects prior to a minor variance, even though she understands that is not a reason to deny a variance. She does not believe the variance is minor in nature at a quarter of the distance, when the requirements could be met elsewhere without a variance. Councillor Burke commented that she does not think one businesses efficiencies should come before the desirability to neighbouring properties.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A05/20, for the property described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6, to provide the following relief;

1. *THAT* a reduced Interior Side Yard Setback of 4.6m (15 ft) be permitted, for a proposed bunker silo feed storage accessory building, whereas the By-Law requires 8.3m (60 ft).

APPROVED

ADJOURNMENT

RESOLUTION: CoA 2020-021

Moved: McCabe

Seconded: Burke

THAT the Committee of Adjustment meeting of July 6, 2020 be adjourned at 7:31 pm.

CARRIED

Secretary Treasurer

Chair