

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE ADJUSTMENT
APRIL 12, 2021 @ 2:00 P.M.
VIA WEB CONFERENCING <https://www.youtube.com/watch?v=7BlkL48opao>**

Members Present:

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

Staff Present:

Chief Administrative Officer:	Michael Givens
Secretary Treasurer/Director of Legislative Services/Clerk:	Karren Wallace
Deputy Clerk:	Catherine Conrad
Director of Finance:	Adam McNabb
Economic Development Officer:	Dale Small
Director of Operations:	Matthew Aston
Community Recreation Coordinator:	Mandy Jones
Manager of Recreation Services:	Tom Bowden
Chief Building Official:	Darren Jones
Director of Fire Services/Fire Chief:	Chris Harrow
Planner:	Matthieu Daoust

CALLING TO ORDER - Chair Lennox

Chair Lennox called the meeting to order.

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, March 22, 2021 (A02/21 and A04/21)

RESOLUTION: CoA 2021-007

Moved: Hern

Seconded: Yake

THAT the Committee of Adjustment meeting minutes of March 22, 2021 – A02/21 and A04-21 be adopted as presented.

CARRIED

A05/21 – Trustee for the Mennonite Society of British North America c/o John Weber

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest declared.

APPLICATION

A05/21 –Mennonite Society of British North America c/o John Weber, Trustee

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 13, Concession 10 N, with a civic address of 9173 Concession 11. The subject land is approximately 0.32 ha (0.79 ac). The location of the property is shown on the map attached.

THE PURPOSE AND EFFECT of the application is to provide relief from the Minimum Distance Separation 1 (MDS 1) setback requirements. The applicant has received conditional approval for two lot line adjustments (B55-20 & B56-20) and cannot meet the minimum distance required to the nearest neighboring barns. 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 March 26, 2021.

PRESENTATIONS

Matthieu Daoust, Planner, County of Wellington, Township of Wellington North

- Planning Report dated April 9, 2021

Planning Comments: The purpose of this proposal is to seek relief from the Minimum Distance Separation (MDS) I requirements of the Zoning By-law. This variance is associated with of County consent application B55/20 and B56/20, that was granted provisional approval. The consent application was for a lot line adjustment to expand an existing parochial school.

We have no concerns with the relief requested. We 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 property is described as Concession 10 N, Part Lot 13 and is Municipally known as 9173 Concession 11. The subject property has an area of approximately 0.32 ha (0.79 ac). The location of the property is shown on Figure 1.

Proposal

The purpose of this application is to provide relief from the Minimum Distance Separation 1 (MDS 1) setback requirements. The applicant is proposing a lot line adjustment to expand an existing parochial school on the subject lands and cannot meet the minimum distance required to the surrounding neighboring barns.

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 I distances can be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS I, or mitigate environmental impacts, may warrant further consideration.

Wellington County Official Plan

The subject property is designated Prime Agricultural. 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. Section 13.7 provides for minor variances from the provisions of any by-law implementing this Plan may be passed, in accordance with the Planning Act, by a local council, or its delegated authority, provided that 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. The local council, or its delegate, shall consider 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). The location of the proposed new lot configuration does not meet the minimum distance separation (MDS I) from the barns and manure pits located at 9171 Concession 11, 9166 Concession 11 and 9187 Concession 11.

The following relief is required:

1. 9171 Concession 11	Required	Proposed	Difference
Proposed Lot Expansion	226 m	215 m	11 m

MDS 1 Setback to Barn (Section 6.17.1 and 8.6)	(741.5 ft)	(705.4 ft)	(36.1 ft)
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2. 9166 Concession 11	Required	Proposed	Difference
Proposed Lot Expansion MDS 1	337 m	200 m	137 m
Setback to Manure Storage (Section 6.17.1 and 8.6)	(1,105.6 ft)	(656.2 ft)	(449.5 ft)

3. 9187 Concession 11	Required	Proposed	Difference
Proposed Lot Expansion MDS 1	208 m	120 m	88 m
Setback to Barn (Section 6.17.1 and 8.6)	(682.4 ft)	(393.7 ft)	(288.7 ft)

Farm data sheets were provided for the barns and manure storage pits within 500 m. The proposed new lot configuration can meet the required distances to these other facilities.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

No correspondence received.

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

Jeff Buisman, Agent for the Applicant, commented that this is an expansion to the legal limits of the property, but it is an ongoing use as a play area for the school children. The lot line adjustments were set up to reflect the ongoing usage of this parcel.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe expressed concern that the proposed reduced MDS 1 Setback to the barn located at 9187 Concession 11 is a 40% reduction. Mr. Buisman commented that the barn is across the road from other residences that are already in between. This conflict with the school being close to the barn has existed for a long time and doesn't make any difference in the use of the land. Technically the property line is only getting about 5 m closer to the barn.

DECISION

CALL FOR VOTE: SHOW OF HANDS (no mover/seconder required)

THAT the minor variance applied for in Application A05/21, for the property described as Part Lot 13, Concession 10 N, with a civic address of 9173 Concession 11, to provide the following relief;

1. ***THAT a reduced MDS 1 Setback to the barn located at 9171 Concession 11, of 215 m (705.4 ft.) be permitted; whereas the By-Law requires a minimum of 226 m (741.5 ft).;***
2. ***THAT a reduced MDS 1 Setback to the manure storage located at 9166 Concession 11, of 200 m (652.2 ft.) be permitted; whereas the By-Law requires a minimum of 337 m (1,105.6 ft); and***
3. ***THAT a reduced MDS 1 Setback to the barn located at 9187 Concession 11, of 120 m (393.7 ft.) be permitted; whereas the By-Law requires a minimum of 208 m (682.4 ft).***

APPROVED

A06/21 – Jason & Danielle Aitken

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest declared.

APPLICATION

A06/21 – Jason & Danielle Aitken

THE LOCATION OF THE SUBJECT PROPERTY is described as Park Lot 5 and is Municipally known as 391 London Rd S. The property is approximately 1.3 ha (3.21 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the maximum height for an accessory structure. The applicants are proposing to construct a new detached garage for personal use with a height of 5.48 m (18 ft.). 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 March 26, 2021.

PRESENTATIONS

Matthieu Daoust presented the comments prepared by Asavari Jadhav, Junior Planner & Matthieu Daoust, Planner; County of Wellington, Township of Wellington North

- Planning Report dated March 29, 2021

Planning Opinion: The variance requested would provide relief from the maximum height for an accessory structure. The applicants are proposing to construct a new 247.8m² (2,668 ft²) detached garage with a height of 5.48 m (18 ft.).

We have no concerns with the requested relief provided the applicable conservation authority is satisfied. 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 Park Lot 5 and is Municipally known as 391 London Rd S. The property is approximately 1.3 ha (3.21 ac) in size.

PROPOSAL

The purpose of this application is to provide relief from the maximum height for an accessory structure. The applicants are proposing to construct a new 247.8m² (2,668 ft²) detached garage with a height of 5.48 m (18 ft.).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated RESIDENTIAL and a small portion of CORE GREENLANDS and located within the Urban Center of Mt. Forest. 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 Residential Holding (R2) and a portion is zoned Natural Environment (NE). The applicant is proposing to construct a new accessory structure and required the following variance:

General Provisions	Permitted	Proposed	Difference
Height (Section 6.1.3a)	4.57 m (15 ft.)	5.48 m (18.0 ft.)	0.91 m (3.0 ft.)

The variance requested is minor and appropriate for the use of the lot. The applicant has indicated the additional height request is to park camp trailer within the detached garage with storage in the loft. The variances meet the general intent of the Official Plan and Zoning By-law.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Barbara M.J. Baranow, Enbridge Gas Inc.

- Email dated March 25, 2021 (No Objection)

Michael Oberle, Environmental Planning Technician, Saugeen Valley Conservation Authority

- Letter dated October 7, 2020 (Application Acceptable)

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

Jason Aitken, Applicant, was present to answer any questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

No Comments or questions from the Committee.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A06/21, for the property described as: Park Lot 5 and is Municipally known as 391 London Rd S., to provide the following relief;

1. ***THAT an increased height, for an accessory structure, of 5.48 m (18 ft.) be permitted; whereas the By-Law permits a maximum height of 4.57 m (15 ft.)***

APPROVED

ADJOURNMENT

RESOLUTION: CoA 2021-008

Moved: Burke

Seconded: McCabe

THAT the committee of adjustment meeting of April 12, 2021 be adjourned at 2:23 p.m.

CARRIED

Secretary Treasurer

Chair