

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT – JANUARY 25, 2021 @ 7:00 P.M.  
VIA WEB CONFERENCING**

**HOW TO JOIN**

Join from a PC, Mac, iPad, iPhone or Android device:  
Please click this URL to join. <https://us02web.zoom.us/j/89962893889>  
Description: Public Meeting Under the Planning Act

Or join by phone:  
Dial (for higher quality, dial a number based on your current location):  
855 703 8985 (Toll Free)  
Webinar ID: 899 6289 3889

**PAGE  
NUMBER**

**CALLING TO ORDER - Mayor Lennox**

**DISCLOSURE OF PECUNIARY INTEREST**

**MINUTES OF PREVIOUS MEETING(S)**

- Committee of Adjustment, December 14, 2020 (A09/20)

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Recommendation:

*THAT the Committee of Adjustment meeting minutes of December 14, 2020 – A09/20 be adopted as presented.*

**APPLICATION**

A01/21 – Keith Brubacher

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Part Lot 12, Concession 5 South; RP 60R1193; Part 1 and is Municipally known as 7508 Sideroad 6 E. The property is approximately 4 ha (9.88 ac) in size. The location of the property is shown on the map attached.

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**THE PURPOSE AND EFFECT** of the application is to provide relief from Section 6.1.5a of the Zoning By-law, which states no accessory building or accessory use shall be established on any lot or site until the main building has commenced construction. The applicants are proposing to construct a new accessory structure prior to the construction of a single detached dwelling. The applications have indicated the accessory structure will be used for personal and produce-related growing equipment storage. 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 January 12, 2021.

**PRESENTATIONS**

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

- Planning Report dated January 15, 2021

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## CORRESPONDENCE FOR COMMITTEE'S REVIEW

Laura Warner, Grand River Conservation Authority

- Email dated January 12, 2021 (No Objection) 11

Samuel Martin

- Letter dated January 14, 2021 (No Objection) 13

## 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

## COMMENTS/QUESTIONS FROM THE COMMITTEE

## DECISION

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

*THAT* the minor variance applied for in Application A01/21, for the property described as Part Lot 12, Concession 5 South; RP 60R1193; Part 1 and is Municipally known as 7508 Sideroad 6 E., to provide the following relief;

1. **THAT the construction of an accessory structure ahead of construction of main use be permitted; whereas the By-Law requires construction of main use ahead of construction of accessory structure.**

## ADJOURNMENT

Recommendation:

*THAT* the committee of adjustment meeting of January 25, 2021 be adjourned.

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT  
DECEMBER 14, 2020 @ 7:00 P.M. VIA WEB CONFERENCING**

**Members Present:**

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

**Staff Present:**

<b>Chief Administrative Officer:</b>	<b>Michael Givens</b>
<b>Director of Legislative Services/Clerk:</b>	<b>Karren Wallace</b>
<b>Deputy Clerk:</b>	<b>Catherine Conrad</b>
<b>Director of Finance:</b>	<b>Adam McNabb</b>
<b>Economic Development Officer:</b>	<b>Dale Small</b>
<b>Chief Building Official:</b>	<b>Darren Jones</b>
<b>Human Resources Manager:</b>	<b>Chanda Riggi</b>
<b>Director of Fire Services:</b>	<b>Chris Harrow</b>
<b>Director of Operations:</b>	<b>Matthew Aston</b>
<b>Community Recreation Coordinator:</b>	<b>Mandy Jones</b>
<b>Manager, Environmental and Developmental Services:</b>	<b>Corey Schmidt</b>
<b>Compliance Analyst:</b>	<b>Sara McDougall</b>
<b>Manager of Transportation Services:</b>	<b>Dale Clark</b>
<b>Senior Planner:</b>	<b>Michelle Innocente</b>

**CALLING TO ORDER - Chair Lennox**

Chair Lennox called the meeting to order.

**DISCLOSURE OF PECUNIARY INTEREST**

No pecuniary interest disclosed.

**MINUTES OF PREVIOUS MEETING(S)**

- Committee of Adjustment, October 13, 2020 (A08/20)

RESOLUTION: CoA 2020-026

Moved: Hern

Seconded: Yake

*THAT the Committee of Adjustment meeting minutes of October 13, 2020 – A08/20 be adopted as presented.*

CARRIED

**APPLICATION**

A09/20 – Amsey Frey

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 12, Concession 2, with a civic address of 7814 Sideroad 6 E. The subject land is approximately 39.6 ha (97.8 ac).

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 construct a new livestock barn and cannot meet the minimum distance required to the nearest road allowance. 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 November 23, 2020.

## PRESENTATIONS

Michelle Innocente, Senior Planner, County of Wellington, presented comments prepared by Matthieu Daoust, Planner, County of Wellington, Township of Wellington North

- Planning Report dated December 7, 2020

The Planners have reviewed the application for a 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 permit the construction of a new 1,729 m<sup>2</sup> (18,610 ft<sup>2</sup>) livestock barn. The location of the proposed barn does not meet the minimum distance separation (MDS II) from the closest road allowance.

The location of the proposed barn provides operational efficiency. Furthermore, based on the provided sketch, the applicant offset the barn further into the subject lands to avoid any additional MDS conflicts with the closest neighboring dwelling and conflict with the wooded area north of the proposed barn. We have no concerns with the relief requested for the proposed barn provided the GRCA have no objections. 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 subject property is described as Part Lot 12, Concession 2, with a civic address of 7814 Sideroad 6 E. The subject land is approximately 39.6 ha (97.8 acres) and is occupied by a dwelling, barn and shed.

### PROPOSAL

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirements. The applicants are proposing to construct a new barn and cannot meet the minimum distance required to the nearest road allowance.

### 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 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, GREENLANDS and CORE GREENLANDS. 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 does not meet the minimum distance separation (MDS II) to the closest road allowance.

The proposed barn will be located within a portion of the Natural Environment (NE) zone. Per Section 28.2 no new building or new structure shall be constructed. Additionally, Section 6.20.1 states no building or structure shall be constructed closer than 30m (98.4 ft) from the limit of an NE zone. Section 2.6 of the Township of Wellington North Zoning By-law states that the boundaries of the NE zone can be more precisely determined by the applicable Conservation

Authority. Upon re-interpretation of the zone boundary, all requirements (including any setbacks) shall be reviewed relative to the revised interpretation.

To date, planning staff have not received GRCA comments. Planning staff are satisfied with the application provided GRCA staff have no objection and can reinterpret the NE boundary.

The following relief is required:

<b>Proposed Barn</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Minimum Distance Separation II (Closest Road Allowance)</b>	60 m (197 ft)	12 m (40 ft)	48 m (157 ft)

**CORRESPONDENCE FOR COMMITTEE’S REVIEW**

Dolly Shetty, Hydro One Networks Inc.

- Email dated November 26, 2020 (No Objection)

Andrew Herreman, GRCA

- Email dated November 26, 2020 (Re: Proposed Barn in SVCA watershed)

Michael Oberle, Saugeen Conservation

- Letter dated December 8, 2020 (No Objection)

Steven Martin, 9165 Concession 2

- Correspondence dated December 10, 2020 (In Support - no objection)

**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**

Cleon Martin, agent for the applicant, advised SVCA approval has been received and was forwarded to Karren Wallace, Clerk and Tammy Pringle, Development Clerk.

**COMMENTS/QUESTIONS FROM THE COMMITTEE**

There were no comments or questions from the Committee.

**DECISION**

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

THAT the minor variance applied for in Application A09/20, for the property described as Part Lot 12, Concession 2, with a civic address of 7814 Sideroad 6 E., to provide the following relief;

1. **THAT a reduced Minimum Distance Separation II (Closest Road Allowance) of 12m (40 ft) be permitted, for a proposed barn, whereas the By-Law requires 60m (197 ft).**

APPROVED

**ADJOURNMENT**

RESOLUTION: CoA 2020-027

Moved: McCabe

Seconded: Burke

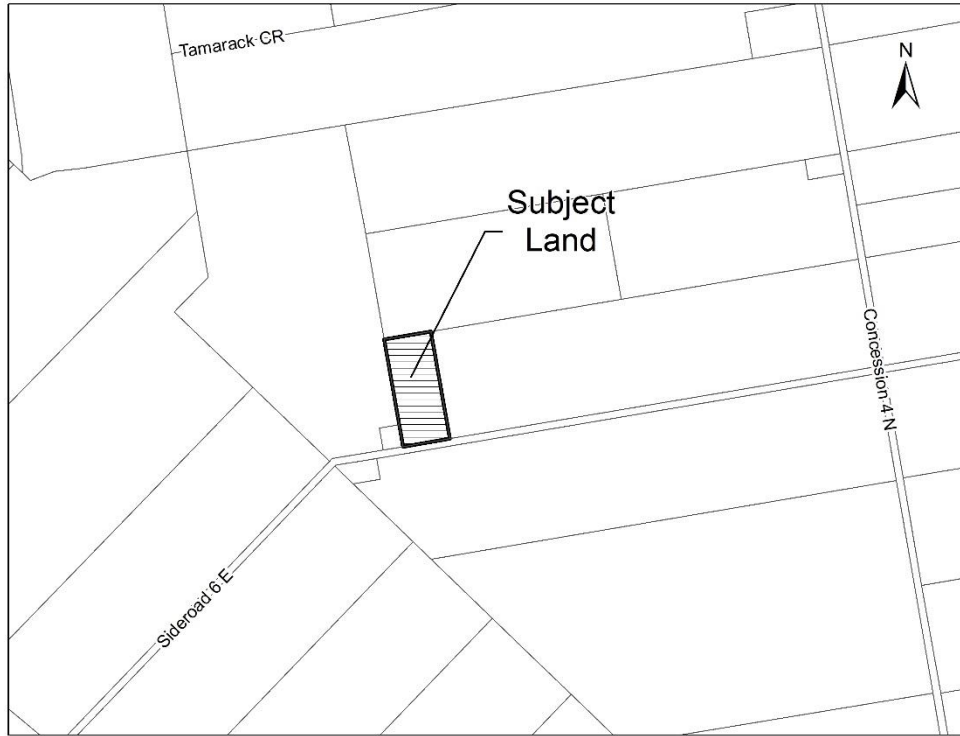
*THAT the Committee of Adjustment meeting of December 14, 2020 be adjourned. 7:24 p.m.*

CARRIED

\_\_\_\_\_  
Secretary Treasurer

\_\_\_\_\_  
Chair

**KEITH BRUBACHER**





## 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

January 15, 2021

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 A01/21**  
**Part Lot 12, Concession 5 S; RP 60R1193; Part 1**  
**7508 Sideroad 6 E**  
**Keith Brubacher**

We have reviewed the application for minor variance and provide the following comments.

**Planning Opinion:** The variance requested would provide relief from Section 6.1.5a of the Zoning By-law, which states no accessory structure building or accessory use shall be established on any lot or site until the main building has commenced construction. The applicant is proposing to construct a new 124.8m<sup>2</sup> (1,344 ft<sup>2</sup>) storage garage prior to the construction of a single detached dwelling.

We have no concerns with the requested relief 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 Part Lot 12, Concession 5 S; RP 60R1193; Part 1 and is Municipally known as 7508 Sideroad 6 E. The property is approximately 4 ha (9.88 ac) in size. The location of the property is shown on Figure 1.

### PROPOSAL

The purpose of this application is to provide relief from Section 6.1.5a of the Zoning By-law, which states no accessory structure building or accessory use shall be established on any lot or site until the main building has commenced construction. The



Figure 1. 2015 Aerial photo of subject lands



applicant is proposing to construct a new 124.8m<sup>2</sup> (1,344 ft<sup>2</sup>) storage garage prior to the construction of a single detached dwelling

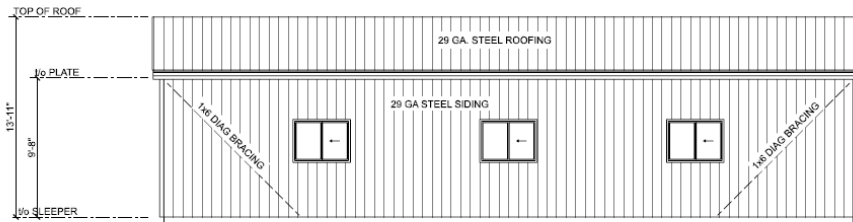
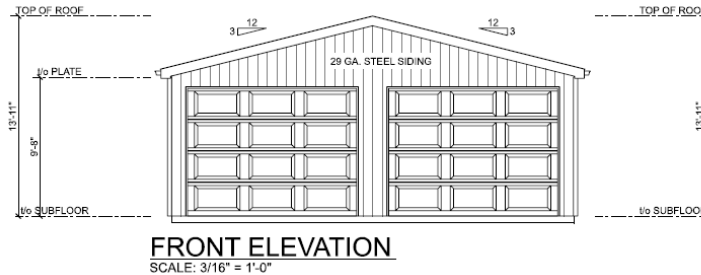


Figure 2. Proposed Accessory Structure

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated PRIME AGRICULTURAL. 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**

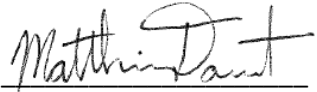
The subject property is zoned Agricultural (A). The applicant is proposing to construct a new accessory structure ahead of the construction of the main use (i.e. residential dwelling) with the following required variance:

Establishment of an Accessory Building or Use Regulations	Permitted	Proposed	Difference
Accessory Building (Section 6.1.5a)	Construction of main use ahead of construction of accessory structure	Construction of accessory structure ahead of construction of main use	N/A

The variance requested is minor and appropriate for the use of the lot. The applicant currently resides at 7498 Sideroad 6 E, the property directly abutting the subject lands. The applicant has indicated the new garage would not house any livestock and that it would be used for personal and produce-related growing

equipment storage. Furthermore, the applicant has indicated there is a long term plan to build a detached dwelling on the subject lands. The variances meet the general intent of the Official Plan and Zoning By-law. I trust that this information will be of assistance to the Committee when making their decision on this application.

Yours truly,

A handwritten signature in black ink that reads "Matthieu Daoust". The signature is written in a cursive style with a horizontal line underneath the name.

Matthieu Daoust, MCIP RPP  
Planner

**From:** Laura Warner <lwarner@grandriver.ca>  
**Sent:** January 12, 2021 9:26 AM  
**To:** Tammy Pringle  
**Subject:** RE: NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE:  
A01/21 Keith Brubacher  
**Attachments:** 7508 Sideroad 6 E\_Map.pdf

Hi Tammy,

The GRCA will not be providing comments on the subject application as the property in consideration does not contain any features that are regulated by the GRCA. A copy of our mapping is attached for reference.

Kind regards,  
Laura



**Laura Warner** | Resource Planner  
Grand River Conservation Authority  
400 Clyde Road, Cambridge ON N1R 5W6  
P: (519) 621-2763 x 2231 | F: (519) 621-4844  
[lwarner@grandriver.ca](mailto:lwarner@grandriver.ca) | [www.grandriver.ca](http://www.grandriver.ca)

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**From:** Tammy Pringle <tpringle@wellington-north.com>  
**Sent:** Tuesday, January 12, 2021 8:44 AM  
**Subject:** NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE: A01/21 Keith Brubacher

## **TOWNSHIP OF WELLINGTON NORTH COMMITTEE OF ADJUSTMENT**

### **NOTICE OF PUBLIC HEARING OF APPLICATION FOR MINOR VARIANCE**

*Planning Act, R.S.O. 1990, Chap.P.13, ss.45 (5)*

#### **A01/21**

**TAKE NOTICE** that an application for minor variance, under the above file number has been submitted to the Committee of Adjustment for the Township of Wellington North. The Committee will give consideration to the minor variance application on:

**Monday, January 25, 2021 @ 7:00 p.m.**  
Via Zoom electronic meeting

The public is invited to watch the remote meeting:

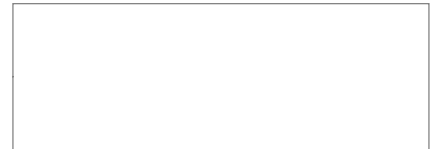
#### **HOW TO JOIN**

Join from a PC, Mac, iPad, iPhone or Android device:  
Please click this URL to join. <https://us02web.zoom.us/j/89962893889>  
Description: Public Meeting Under the Planning Act

Or join by phone:



7508 Sideroad 6 E



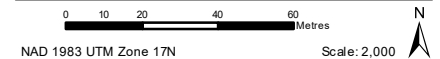
Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
  - Engineered
  - Estimated
  - Approximate
  - Special Policy Area
- Slope Valley (GRCA)
  - Steep
  - Oversteep
  - Steep
- Slope Erosion (GRCA)
  - Oversteep
  - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.



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 Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.  
 The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





1.800.265.8735

www.jfm.ca



To Whom it may concern. Jan 14/21  
Regarding the minor variance on  
7508 Sideroad 6 Part Lot 12 Con. 5 S.

I am the owner of the land to the east of subject property. I have known the applicants for the last 8-10 yrs. and have no concerns with what they want to build. I can see no reason why application should be denied.

Respectfully yours,

Samuel Martin

7668 RR#2

Kenilworth ON

NOG 2EO

RECEIVED

JAN 15 2021

TWP. OF WELLINGTON NORTH

