

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
MAY 24, 2022 @ 7:00 P.M.
VIA WEB CONFERENCING https://youtu.be/GQPKLd_ydHQ

Members Present:

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

Members Absent:

Staff Present:

Chief Administrative Officer: Michael Givens
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Chief Building Official: Darren Jones
Director of Operations: Matthew Aston
Community Recreation Coordinator: Mandy Jones
Human Resources Manager: Amy Tollefson
Economic Development Officer: Dale Small
Director of Fire Services: Chris Harrow
Senior Planner: Jessica Rahim
Drainage Superintendent: Thomas Jackson
Planner: Matthieu Daoust

CALLING TO ORDER - Chairperson Lennox

Chairperson Lennox called the meeting to order

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest declared.

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, May 9, 2022 (A10/22)

RESOLUTION: CoA 2022-013

Moved: McCabe

Seconded: Hern

THAT the Committee of Adjustment meeting minutes of May 9, 2022 – A10/22 be adopted as presented.

CARRIED

APPLICATION

A11/22 – Catherine Conrad

THE LOCATION OF THE SUBJECT PROPERTY is described as WOSR Part Division 2 Part Lot 22 and is municipally known as 9070 Highway 6. The property is approximately 19.79 ha (48.90 ac) in size. 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 interior side yard. The applicant is proposing to construct new 465 m² (5,000 ft²) shed. Relief is requested to permit a new shed with interior side yard of 11.56 m (37.94 ft) and recognize the location of the existing accessory buildings. 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 May 4, 2022.

PRESENTATIONS

Matthieu Daoust reviewed the Planning Report, dated May 18, 2022, that was prepared by Asavari Jadhav, Junior Planner & Matthieu Daoust, Planner, County of Wellington, Township of Wellington North.

PLANNING OPINION

The variance requested would provide relief from the minimum interior side yard setback for an accessory structure. The applicant is proposing to construct a new 465 m² (5,000 ft²) shed located 11.56 m (37.94 ft) from the interior lot line and recognize the location of the existing shed.

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 WOSR Part Division 2 Part Lot 22 and is Municipally known as 9070 Highway 6. The property is approximately 19.79 ha (48.90 ac) in size. The location of the property is shown on Figure 1.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. The farm building cluster is well removed from the Core 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.

PROPOSAL

The purpose of this application is to provide relief from the minimum interior side yard setback for an accessory structure. The applicants are proposing to construct a new 465 m² (5,000 ft²) shed located 11.56 m (37.94 ft) from the interior lot line and recognize the location of the existing shed.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Agriculture (A) and Natural Environment (NE). The applicant is proposing to construct a new 465 m² (5,000 ft²) shed and require following variance:

Lot Regulations	Permitted	Proposed	Difference
Interior Side Yard, Minimum (Section 8.2.4 (d))	18.3 m (60 ft)	11.56 m (37.94 ft)	6.74 m (22.06 ft)

The variance requested is minor and appropriate for the use of the lot. Upon further review, it is identified that an additional variance is required to recognize the location of the existing shed. The proposed variance meets the general intent of the Official Plan and Zoning By-law.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Fred Natolochny, Supervisor of Resource Planning, Grand River Conservation Authority

- Letter dated May 11, 2022 (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

Jim Martin, Agent for the Applicant, was present to answer questions regarding the application. He explained that building closer to the interior side yard will allow the building to be located more up hill and on higher ground. This will decrease the amount of fill required.

COMMENTS/QUESTIONS FROM THE COMMITTEE

None

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A11/22, for the property described as WOSR Part Division 2 Part Lot 22, with a civic address of 9070 Highway 6, to provide the following relief;

1. THAT a decreased minimum interior side yard of 11.56 m (37.94 ft) be permitted, for a proposed 465 m² (5,000 ft²) shed, whereas the By-Law allows 18.3 m (60 ft).

APPROVED

APPLICATION

A12/22 – Trevor Roberts & Sarah Wilson

THE LOCATION OF THE SUBJECT PROPERTY is described as Concession 7, Part Lot 4; RP 61R11683 Part 1 and is Municipally known as 8170 Line 6. The property is approximately 5.16 ha (12.75 ac) in size. The location of the property is shown on the map attached.

THE PURPOSE AND EFFECT of the application is to provide relief from the maximum floor area requirements for an accessory structure (drive shed). The proposed variance will permit a total floor area of 222.96 m² (2,400 ft²), whereas the zoning by-law permits a maximum floor area of 148.64 m² (1,600 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 May 4, 2022.

PRESENTATIONS

Matthieu Daoust reviewed the Planning Report, dated May 18, 2022, that was prepared by Asavari Jadhav, Junior Planner & Matthieu Daoust, Planner, County of Wellington, Township of Wellington North.

PLANNING OPINION

The variance requested would provide relief from the maximum floor area requirements for an existing garage. The applicant is proposing to construct a 74.32 m² (800 ft²) addition to an existing 148.64 m² (1,600 ft²) garage for a total floor area of 222.96 m² (2,400 ft²).

We have no concerns with the requested relief. 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 Concession 7 Part Lot 4; RP 61R11683 Part 1 and is Municipally known as 8170 Line 6. The property is approximately 5.16 ha (12.75 ac) in size. The location is shown on Figure 1.

PROPOSAL

The purpose of this application is to provide relief from the maximum floor area for an accessory structure. The applicant is proposing to construct a 74.32 m² (800 ft²) addition to an existing 148.64 m² (1,600 ft²) shed for a total floor area of 222.96 m² (2,400 ft²).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated AGRICULTURAL and CORE GREENLANDS. The proposed extension to the existing shed appears to be located outside the CORE GREENLANDS areas regulated by Grand River Conservation Authority (GRCA). 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 Site Specific Agriculture (A-112) and Natural Environment (NE). The site specific Agricultural (A-112) Zone permits a maximum floor area of 148.64 m² (1,600 ft²) for the existing garage. Further, the A-112 zone states the maximum floor area for the existing barn shall be 306.57m² (3,300 ft²) and limits the amount of livestock on the property. The applicant is proposing to construct a 74.32 m² (800 ft²) addition to an existing 148.64 m² (1,600 ft²) garage for a total floor area of 222.96 m² (2,400 ft²).

The variance requested would provide relief from Section 33.112 of Zoning By-law to expand the existing shed with to a total floor area of 222.96 m² (2,400 ft²).

Rural Exception Zone	Permitted	Proposed	Difference
Site Specific Regulations (Section 33.112 a))	148.64 m ² (1,600 ft ²)	of 222.96 m ² (2,400 ft ²)	74.32 m ² (800 ft ²)

The variance requested is minor and appropriate for the use of the lot. The variances meet the general intent of the Official Plan and Zoning By-law.

CORRESPONDENCE FOR COMMITTEE’S REVIEW

Fred Natolochny, Supervisor of Resource Planning, Grand River Conservation Authority

- Letter dated May 11, 2022 (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

Owners Trevor Roberts & Sarah Wilson were present to answer questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

None

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A12/22, for the property described as Concession 7, Part Lot 4; RP 61R11683 Part 1 and Municipally known as 8170 Line 6, to provide the following relief;

1. THAT an increased maximum floor area of 222.96 m² (2,400 ft²) be permitted, for an existing garage, with proposed addition, whereas the By-Law allows 148.64 m² (1,600 ft²).

APPROVED

APPLICATION

A13/22 – Neil Bauman

THE LOCATION OF THE SUBJECT PROPERTY is described as Concession 3 Part Lot 4 and is Municipally known as 7781 Sideroad 2 E. The property is approximately 79.7 ha (196.94 ac) in size. 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 II (MDS II) setback requirements. The applicant is proposing to construct a new barn and a new liquid manure tank and cannot meet the minimum distance required of 261 m (856 ft) to the nearest Type A land uses (dwelling) for the new manure tank. Other variances may be considered where deemed appropriate.

The Clerk advised that the recommendation in the agenda package has been amended by adding the following;

THAT a 0 m (0 ft) setback to the natural environment (NE) zone be permitted for a proposed manure tank and barn addition, whereas the By-law requires a 3 m (9.84 ft) setback; and

The proposed 0 m (0 ft) NE setback is applicable solely to the proposed barn addition and manure storage tank. Any new structures, tanks or additions will have to adhere to the requirements of Section 6.20 of the Zoning By-law.

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 May 4, 2022.

PRESENTATIONS

Matthieu Daoust reviewed the Planning Report, dated May 18, 2022, that was prepared by Asavari Jadhav, Junior Planner & Matthieu Daoust, Planner, County of Wellington, Township of Wellington North.

PLANNING OPINION

The variance requested would permit the construction of a new barn to grow the existing operation with a new liquid manure tank on the subject lands. The location of the proposed manure tank does not meet the Minimum Distance Separation II (MDS II) to the nearest dwelling on 7760-7762 Sideroad 2 E.

Upon further review of the above noted MDS relief, it appears that the proposed barn and liquid manure tank does not meet Section 6.20(b)(i) of the Township of Wellington north Zoning By-law 66-01. Based on the sketch provided by the applicant, the proposed barn and the manure tank will be located within the Natural Environment (NE) zone, as shown in Figure 1. Additional zoning relief will be required to meet the minimum 3 m (9.8 ft) setback to the Natural Environment (NE) Zone. Section 2.6 of the Wellington North Zoning By-law states that the boundaries of the NE Zone can be more precisely determined by the applicable Conservation Authority. Planning staff have confirmed with the Saugeen Valley Conservation Authority (SVCA) staff that the existing NE Zone is not accurate and reflective on the environmental features on the subject lands. Planning staff will be updating the NE Zone on a future housekeeping.

We have no concerns with the relief requested for the new barn with a new liquid manure tank. The location of the new barn and manure tank provides operational efficiency. 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 Concession 3 Part Lot 4 with a civic address of 7781 Sideroad 2 East. The subject land is approximately 79.7 ha (196.94 ac) and is occupied by a dwelling, equipment shed, feed storage and a barn. The location of the property is shown on Figure 1.

PROPOSAL

The proposal of this application is to provide relief from the minimum setback to the Natural Environment (NE) Zone and Minimum Distance Separation II (MDS II) setback requirements from a Type A (dwelling) land use. The applicant is proposing to construct a new barn with a liquid manure tank and cannot meet the minimum setback required to the NE Zone and MDS 2 requirements to the nearest dwelling on 7760-7762 Sideroad 2 E.

PROVINCIAL POLICY STATEMENT (PPS)

The subject property is within an area of PRIME AGRICULTURE and CORE GREENLANDS. 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 and CORE GREENLANDS. The proposed barn and the manure tank appears to be located outside the CORE GREENLANDS areas regulated by the SVCA. 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 Agriculture (A) and Natural Environment (NE). The location of the proposed barn and the liquid manure storage area does not meet the Minimum Distance Separation II (MDS II) from the nearest neighboring residential dwelling at 7760-7762 Sideroad 2 E.

Upon further review, it appears that the proposed liquid manure storage area will be located within the Natural Environment (NE) zone (Figure 1). Per section 6.20(b)(i) of the Wellington North Zoning By-Law reconstruction of existing buildings/structures including environmental improvements to manure storage facilities associated with an existing livestock facility but not a hobby barn is permitted provided that a setback of 3 m (9.8 ft) from the NE zone boundary is maintained. Section 2.6 of the Wellington North 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.

As per SVCA, the location of the proposed barn and the liquid manure tank is located outside of SVCA Approximate Screening Area Limit and SVCA staff have indicated no concerns. The Township of Wellington North zone mapping will be updated in a future housekeeping to reflect the appropriate NE Zone.

The applicants have indicated that the location of the new barn and liquid manure tank will provide operational efficiency. Therefore, the following reliefs are required in order to facilitate this proposal:

Liquid Manure Tank	Required	Proposed	Difference
MDS II to Type A Land Use (Section 6.17.2 & 8.6)	261 m (856 ft)	213 m (700 ft)	48 m (156 ft)
Setback to NE Zone (Section 6.20(b)(i))	3 m (9.8 ft)	N/A	N/A

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Cynthia Baltoumas, 7760 Sideroad 2 East property owner (dwelling) on north lot line.

- Email received May 8, 2022 (No Objection)

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Letter dated May 16, 2022 (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

Applicant, Neil Bauman was present to answer questions regarding the application but did not unmute his phone to speak.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Member Steve McCabe inquired what would happen if the neighbor, who submitted comments with no objection, decided to sell their property. Would a new owner be able to object the decision?

Darren Jones, CBO, explained that after the 20 day appeal period, if there are no appeals filed, the decision will be final regardless of when the construction takes place.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A13/22, for the property described as Concession 3 Part Lot 4 and Municipally known as 7781 Sideroad 2 E, to provide the following relief;

1. THAT a reduced MDS II to Type A Land Use setback of 213 m (700 ft) be permitted, for a proposed liquid manure tank, whereas the By-Law requires 261 m (856 ft);
2. THAT a 0 m (0 ft) setback to the natural environment (NE) zone be permitted for a proposed manure tank and barn addition, whereas the By-law requires a 3 m (9.84 ft) setback; and
3. The proposed 0 m (0 ft) NE setback is applicable solely to the proposed barn addition and manure storage tank. Any new structures, tanks or additions will have to adhere to the requirements of Section 6.20 of the Zoning By-law.

APPROVED

APPLICATION

A14/22 – Trevor Black & Caitlin Nowack

THE LOCATION OF THE SUBJECT PROPERTY is described as Lot 60 and is Municipally known as 221 Francis St. E. The property is approximately 0.19 ha (0.47 ac) in size. The location of the property is shown on the map attached.

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 with a height of 5.05 m (16.6 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 May 2, 2022.

PRESENTATIONS

Matthieu Daoust reviewed the Planning Report, dated April 29, 2022, that was prepared by Asavari Jadhav, Junior Planner & Matthieu Daoust, Planner, County of Wellington, Township of Wellington North.

PLANNING OPINION

The variance requested would provide relief from the maximum height for an accessory structure. The applicants are proposing to construct a new 139.3 m² (1,500 ft²) detached garage with a height of 5.05 m (16.6 ft.).

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 Lot 60 and is Municipally known as 221 Francis St E. The property is approximately 0.19 ha (0.47 ac) in size. The location is shown on Figure 1.

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 139.3 m² (1,500 ft²) detached garage with a height of 5.05 m (16.6 ft.)

WELLINGTON COUNTY OFFICIAL PLAN
The subject property is designated RESIDENTIAL and located within the Urban Center of Arthur. 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 (R1C). 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.)	5.05 m (16.6 ft.)	0.48 m (1.6 ft.)

The variance requested is minor and appropriate for the use of the lot. The variances meet the general intent of the Official Plan and Zoning By-law.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Danielle Walker, Source Protection Coordinator, Wellington Source Water Protection
Email dated May 10, 2022 (No Objections)

Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority
Email dated May 12, 2022 (No Objections)

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

Judy Black attended on behalf of the applicant and was present to answer questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

None

DECISION

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

THAT the minor variance applied for in Application A14/22, for the property described as Lot 60 and Municipally known as 221 Francis St. E., to provide the following relief;

1. *THAT* an increased height of 5.05 m (16.6 ft) be permitted, for a proposed new accessory structure, whereas the By-Law allows 4.57 m (15 ft).

APPROVED

ADJOURNMENT

RESOLUTION: CoA 2022-14

Moved: Burke

Seconded: Hern

THAT the committee of adjustment meeting of May 24, 2022 be adjourned at 7:44 pm.

CARRIED

Secretary Treasurer

Chair