

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, FEBRUARY 29, 2016 – 7:00 P.M.  
A01/16**

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

**Members Present: Chairman: Andy Lennox  
Lisa Hern  
Steve McCabe  
Dan Yake**

**Absent: Sherry Burke**

**Also Present: Acting Secretary-Treasure: Michael Givens  
Executive Assistant: Cathy Conrad  
Chief Building Official: Darren Jones  
Director of Public Works: Matthew Aston  
Fire Chief: Dave Guilbault  
Manager of Planning and Environment: Mark Van Patter**

**Absent: Secretary-Treasurer/Clerk: Karren Wallace**

**THE CHAIRMAN CALLED THE MEETING TO ORDER**

**DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF**

No pecuniary interest reported.

**RESOLUTION NUMBER CoA 2016-01**

**Moved by: Member Yake**

**Seconded by: Member McCabe**

*THAT the agenda for the February 29, 2015 Committee of Adjustment meeting be accepted and passed.*

**CARRIED**

**MINUTES**

**RESOLUTION NUMBER CoA 2016-02**

**Moved by: Member McCabe**

**Seconded by: Member Yake**

*THAT the Committee of Adjustment meeting minutes of October 11, 2015 be adopted as presented.*

**CARRIED**

**TOWNSHIP OF WELLINGTON NORTH  
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MONDAY, FEBRUARY 29, 2016 – 7:00 P.M.  
A01/16**

The public meeting is held to consider Minor Variance Application A11/15 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

**APPLICATION A01/16**

**Owners/Applicant: Maurice and Susannah Martin**

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Part Lot 2, Concession 6, geographic Arthur Township with a civic address of 9571 Concession 6 N. The subject land is approximately 40.46 ha (100 acres).

**THE PURPOSE AND EFFECT** of the application is to provide relief from the Minimum Distance Separation 2 (MDS 2) setback requirements. The applicants are proposing a barn expansion and a hybrid solid / liquid manure disposal system for a dairy operation. The barn would meet the required setback from the nearest neighbour's dwelling. Given the unusual nature of the manure disposal system, a minor variance is required to confirm that it is an acceptable distance to the nearest dwelling. This application will also consider any other deficiencies that may be present.

Notice of this meeting was mailed to property owners within 60 m of the subject property and applicable agencies on February 18, 2016, as well as posted on the property, pursuant to the legislation.

**PRESENTATION**

Mark Van Patter, Manager of Planning and Environment, reviewed his comments dated February 22, 2016.

**Planning Comments:** A minor variance is being requested for relief from minimum distance separation 2 (MDS 2) for a proposed new liquid manure tank. The nearest neighbouring dwelling will be about 443 feet to the south of the tank. Most of the manure storage will be "solid, outside, with no cover". A smaller portion will be "liquid, outside, no cover, straight-walled storage". Given this breakdown, one would assume that the proper setback would be closer to 444 feet, rather than 705 feet. Mr. Martin notes that the location of the liquid tank was selected, to catch run-off from the solid manure storage.

If the Committee is in support of this variance, I would suggest that the decision be worded similar to the following:

*"That the actual setback distance of 135 m. (443 ft.) to the nearest neighbor's dwelling (to the south), shall be deemed to comply with the required MDS 2 for the hybrid solid/liquid manure storage system."*

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**PROVINCIAL POLICY STATEMENT (PPS)**

The subject property is within an area of prime agricultural land under. New or expanding livestock facilities shall comply with the minimum distance separation formulae. Guideline 46 of the MDS Implementation Guidelines states that “minor variances to MDS 2 distances can be considered based on site specific circumstances. Circumstances that meet the intent, if not the precise distances of MDS 2, or mitigate environmental impacts, may warrant further consideration.”

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated PRIME AGRICULTURAL and CORE GREENLAND (along the watercourse). 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.

**WELLINGTON NORTH ZONING BY-LAW**

The subject property is zoned Agricultural (A) and Natural Environment (NE). The applicants are proposing to construct an addition to the barn and a new liquid manure tank. This application is challenging in that a hybrid manure storage system is being proposed. While most of the manure will be solid, the portion that is liquid is to drain to the new tank. Liquid from the uncovered, solid storage pile as well as rainwater and snow will also go to the manure tank.

CBO Jones had prepared two different setbacks based on solid versus liquid storage.

- An actual MDS II setback of 135 m. (443 ft.) would be present to the nearest neighbor’s dwelling (south), whereas 135.3 m. (444 ft.) is required for solid manure and 214.9 m. (705 ft.) is required for liquid manure.

**CORRESPONDENCE/COMMENTS RECEIVED**

Darren Jones, Chief Building Official, Township of Wellington North

- Report of clarify MDS II requirements for A01-16.

Candace Hamm, Saugeen Valley Conservation Authority

- Proposed Minor Variance is acceptable.

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**QUESTIONS/COMMENTS**

- Persons present who wish to make oral and/or written submissions in support of the proposed minor variance.

The Applicant was present to answer any questions pertaining to the application.

Leonard Wideman, owner of neighbouring property with nearest dwelling, commented that he and the applicant have come to an agreement that the liquid manure storage will be 550 ft from his house. Mr. Martin has also agreed to plant trees near the liquid manure tank to act as a screen from the manure storage. Mr. Wideman supported the application.

Mark Van Patter, Manager of Planning and Environment, recommended that the addition of a tree screen be noted as a condition on the Notice of Decision.

- No one was present to make oral and/or written submissions against the proposed minor variance.

No one was present to make submissions against the proposed minor variance.

- Those wishing to be notified of the decision were asked leave their name and address with the secretary-treasurer.
- Committee – Comments and Questions

Chairman Lennox commented that the tree screening is a good idea. The hybrid manure storage will not be as odorous as a liquid storage system; however, the tree screen will help prevent any odors from reaching the neighbouring dwelling.

**RESOLUTION NUMBER CoA 2016-03**

Moved by: Member Hern

Seconded by: Member Yake

THAT the minor variance applied for in Application A01/16 to provide that the actual setback distance of 550 ft. to the nearest neighbor's dwelling (to the south) be deemed to comply with the required MDS 2 for the hybrid solid/liquid manure storage system be authorized with the condition that trees be planted near the liquid manure tank to provide screening.

**CARRIED**

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**ADJOURNMENT**

**RESOLUTION NUMBER CoA 2016-04**

Moved by: Member McCabe

Seconded by: Member Yake

*THAT the Committee of Adjustment meeting of February 29, 2016 be adjourned at 7:12 p.m.*

**CARRIED**

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Secretary Treasurer

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Chairman