



7490 Sideroad 7 W, PO Box 125,
Kenilworth, ON N0G 2E0
www.wellington-north.com

519.848.3620
1.866.848.3620 FAX 519.848.3228

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Committee of Adjustment

Monday, April 4, 2016

7:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

| AGENDA ITEM | PAGE NO. |
|--|----------|
| <u>CALLING TO ORDER</u> | |
| - Chairman Lennox | |
| <u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u> | |
| <u>MINUTES OF PREVIOUS MEETING(S)</u> | |
| Committee of Adjustment, February 29, 2016 (A01-16) | 1 |
| <u>APPLICATION A02-16</u> | |
| <u>OWNERS/APPLICANT</u> | |
| - Patricia and Richard Sharpe | |
| <u>LOCATION OF THE SUBJECT LAND</u> | 6 |
| The location of the subject property is described as Lot 5, with a civic address of 220 Normanby St N. The subject land is approximately 2,072 sq. m. (0.51 acres). The location of the property is shown on the map attached. | |

| AGENDA ITEM | PAGE NO. |
|---|---|
| <p data-bbox="188 275 1024 310"><u>PURPOSE AND EFFECT OF THE APPLICATION</u></p> <p data-bbox="188 352 1276 642">The purpose and effect of the application is to provide relief from the required minimum frontage for two new lots being created by severance application B132/15. The severed lot (vacant) frontage is to be reduced from 15 m. down to 13.97 m. The retained lot (existing dwelling) frontage is to be reduced from 15 m. down to 14.77 m. In addition, the left interior side yard for the retained lot with existing dwelling is to be reduced from 1.8 m. down to 1.2 m. The variances requested will satisfy a condition related to the severance application.</p> <p data-bbox="188 684 659 720"><u>SECRETARY TREASURER</u></p> <p data-bbox="188 762 1276 867">Notices were mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on March 23rd, 2016.</p> <p data-bbox="188 909 505 945"><u>PRESENTATIONS</u></p> <p data-bbox="188 987 643 1056">Linda Redmond, Senior Planner - See attached comments</p> <p data-bbox="188 1098 1073 1134"><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></p> <p data-bbox="188 1176 1024 1245">Michael Oberle, Environmental Planning Technician, SVCA - Proposed minor variance is acceptable</p> <p data-bbox="188 1287 862 1323"><u>REQUEST FOR NOTICE OF DECISION</u></p> <p data-bbox="188 1365 1260 1434">Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p data-bbox="188 1476 854 1554"><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></p> <p data-bbox="188 1596 1146 1665">Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p data-bbox="188 1707 1146 1776">Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p data-bbox="188 1818 1073 1854"><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></p> | <p data-bbox="1373 1003 1390 1039">7</p> <p data-bbox="1373 1188 1390 1224">9</p> |

| AGENDA ITEM | PAGE NO. |
|---|----------|
| <p><u>APPLICATION A03-16</u></p> <p><u>OWNERS/APPLICANT</u></p> <ul style="list-style-type: none">- Stephen Hummel | |
| <p><u>LOCATION OF THE SUBJECT LAND</u></p> <p>The location of the subject property is described as Part Lot 9 with a civic address of 320 Cork Street, Mount Forest. The subject land is approximately 0.13 ha (0.32 acres). The location of the property is shown on the map attached.</p> | 10 |
| <p><u>PURPOSE AND EFFECT OF THE APPLICATION</u></p> <p>The purpose and effect of the application is to provide relief from the interior side yard setback regulations of section 12.2.6.4 for a street townhouse, which requires 3.0 m. The applicant is requesting an interior side yard setback of 1.9 m to accommodate the proposed dwelling. Other variances may be considered where deemed appropriate.</p> | |
| <p><u>SECRETARY TREASURER</u></p> <p>Notices were mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on March 23rd, 2016.</p> | |
| <p><u>PRESENTATIONS</u></p> <p>Linda Redmond, Senior Planner</p> <ul style="list-style-type: none">- See attached comments | 11 |
| <p><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></p> | |
| <p>Michael Oberle, Environmental Planning Technician, SVCA</p> <ul style="list-style-type: none">- Proposed minor variance is acceptable | 13 |
| <p><u>REQUEST FOR NOTICE OF DECISION</u></p> <p>Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> | |

| AGENDA ITEM | PAGE NO. |
|---|----------|
| <p><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></p> <p>Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p>Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></p> <p><u>ADJOURNMENT</u></p> | |

**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
COMMITTEE OF ADJUSTMENT
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."

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

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.

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

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

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

ADJOURNMENT

RESOLUTION NUMBER CoA 2016-04

Moved by: Member McCabe

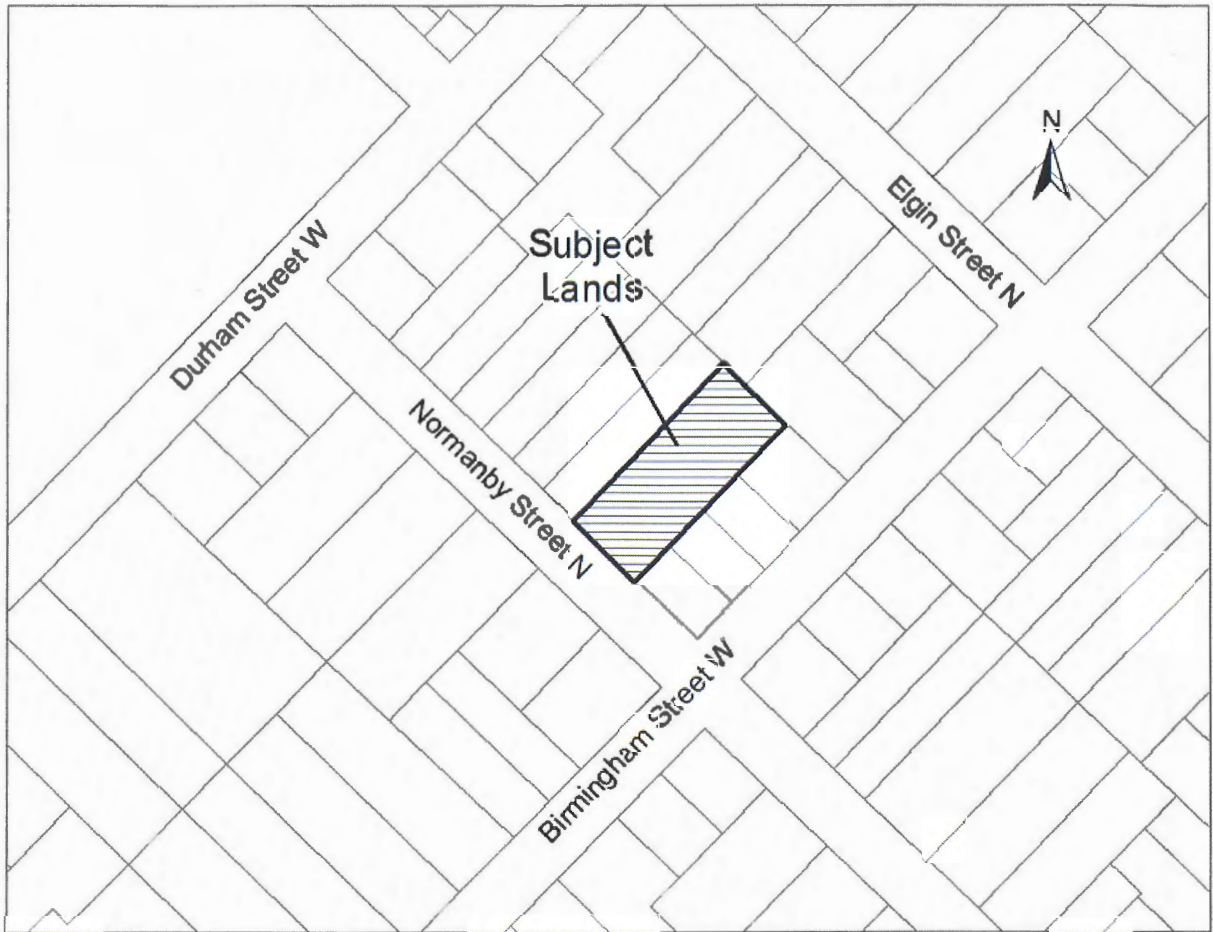
Seconded by: Member Yake

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

CARRIED

Secretary Treasurer

Chairman



A02-16 Patricia and Richard Sharpe



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

March 29, 2016

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 A02/16**
220 Normanby Street North, Mount Forest
Sharpe

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

Planning Opinion: The variances requested would allow a minor reduction in the minimum frontage and side yard setback to permit the construction of a single family dwelling and facilitate the severance of the subject lands.

We have no concerns with the relief requested at this time. This application is considered minor and would maintain the general intent and purpose of the Official Plan and Zoning By-law. It is desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The property is described as Lot 5, with a civic address of 220 Normanby Street North, Mount Forest. The subject land is approximately 0.2 ha (0.5 ac.) and is currently occupied by a single family dwelling.

PURPOSAL

The purpose of this application is to provide relief from the minimum lot frontage and interior side yard regulations to facilitate the development of the parcel for residential dwellings.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated RESIDENTIAL. 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.

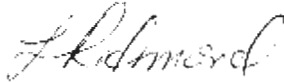
TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is currently zoned site specific Residential (R2-51) to permit a semi detached dwelling. The applicants have severed the property and are proposing to construct a single family dwelling on the vacant parcel and retain the dwelling on the retained parcel. In order to facilitate this proposal and as a condition of consent the following variances are required:

1. A minimum frontage for the severed lot (B132/15-north half) of 13.97m (45.8 ft.), whereas 15 m (50 ft.) is required.
2. A minimum frontage for the retained lot (B132/15-south half) of 14.77m (48.4 ft.), whereas 15 m (50 ft.) is required.
3. A minimum interior side yard for the retained lot (B132/15-south half) of 1.2m (3.9ft), whereas 1.8 (5.9 ft) is required.

I trust that this information will be of assistance to the Committee when making their decision on this application.

Yours truly,



Linda Redmond
Senior Planner



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (*township@wellington-north.com*)

March 30, 2016

Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, Ontario
N0G 2E0

ATTENTION: Darren Jones, CBO

Dear Mr. Jones,

RE: Proposed Minor Variance A2/16
220 Normanby Street North
Roll No. 234900000420100
Part Lot 5 E/S Normanby Street
Geographic Town of Mount Forest
Township of Wellington North

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this proposal in accordance with the SVCA's mandate and policies. According to the Township of Wellington North Committee of Adjustment Notice of Hearing of Application for Minor Variance, the purpose and effect of the application is to provide relief from the required minimum frontage for two new lots, being created by Severance Application B132/15. The variances requested will satisfy a condition related to the provisionally approved Severance Application. Authority staff provided comments to the County of Wellington dated February 2, 2016 regarding the associated Application for Consent B132/15. Please refer to that letter for more details on the property. The proposed Minor Variance is acceptable to Authority staff.

We trust you find these comments are helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,

Michael Oberle
Environmental Planning Technician
Saugeen Conservation

MO\

cc: Darren Jones, CBO, Township of Wellington-North (via email)
Karen Wallace, Clerk, Township of Wellington-North (via email)
Steve McCabe, Authority Member, SVCA (via email)
Bruce A. Fulcher, agent (via email)



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands,
Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce,
Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North,
Town of Saugeen Shores, Township of Southgate, Municipality of West Grey



A03-16 Stephen Hummel



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
GARY A. COUSINS, M.C.I.P., DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
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ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

March 29, 2016

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 A03/16**
320 Cork Street, Mount Forest
1373580 Ontario Ltd. (Hummel)

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

Planning Opinion: The variances requested would allow a minor reduction in the minimum interior side yard setbacks to permit the construction of a three unit residential dwelling.

We have no concerns with the relief requested at this time. The side yard setback of 1.9 m will provide adequate space for access and separation to the abutting lands. This application is considered minor and would maintain the general intent and purpose of the Official Plan and Zoning By-law. It is desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The property is described as Part lot 9, 61R-20624 with a civic address of 320 Cork St., Mount Forest. The subject land is approximately 0.13 ha (0.32 ac.) and is currently vacant.

PURPOSAL

The purpose of this application is to provide relief from the minimum interior side yard setbacks to facilitate the development of three attached residential dwellings (street townhouses).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated RESIDENTIAL. 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

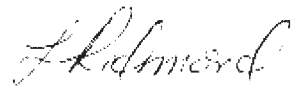
The subject property is currently zoned Residential (R2) which permits the proposed residential use. The proposal is to construct three bungalow style attached dwelling units. There is adequate frontage and area to accommodate this proposal, however in order to allow the bungalow style dwelling type the following variance is required:

1. A minimum interior side yard of 1.9m (6.2 ft), whereas 3m (9.8 ft) is required.

The intent of the zoning by-law with respect to interior yard setbacks is to allow adequate separation through an open space buffer between adjoining properties and to provide access for maintenance and drainage. The zoning by-law interior side yard setback standard for single family and semi-detached dwellings is 1.2m (3.9 ft.) for a one storey.

I trust that this information will be of assistance to the Committee when making their decision on this application.

Yours truly,



Linda Redmond
Senior Planner



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY (*township@wellington-north.com*)

March 30, 2016

Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, Ontario
N0G 2E0

ATTENTION: Darren Jones, CBO

Dear Mr. Jones,

RE: Proposed Minor Variance A3/16
320 Cork Street
Roll No. 234900000519000
Part Lot 9 Plan 61R20624
Geographic Town of Mount Forest
Township of Wellington North

Saugeen Valley Conservation Authority (SVCA) staff has reviewed this proposal in accordance with the SVCA's mandate and policies. According to The Township of Wellington North Committee of Adjustment Notice of Hearing of Application for Minor Variance, the purpose and effect of the application is to provide relief from the interior side yard setback regulations. The proposed Minor Variance is acceptable to Authority staff, and the following comments are offered.

Natural Hazards / Natural Heritage

In the opinion of SVCA staff, there are no natural hazards or significant natural heritage features on or adjacent to the lands subject to this proposed Minor Variance.

In the opinion of SVCA staff, the subject property is not zoned Natural Environment (NE) in the Township of Wellington North Zoning By-law 66-01.

SVCA Regulation

The lands subject to this proposed Minor Variance are not subject to the SVCA's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 169/06, as amended).

An SVCA Permit will not be required for proposed development of the subject property.



Watershed Member Municipalities

Municipality of Arran-Elderslie, Municipality of Brockton, Township of Chatsworth, Municipality of Grey Highlands, Town of Hanover, Township of Howick, Municipality of Morris-Turnberry, Municipality of South Bruce, Township of Huron-Kinloss, Municipality of Kincardine, Town of Minto, Township of Wellington North, Town of Saugeen Shores, Township of Southgate, Municipality of West Grey

Township of Wellington-North
A3/16
March 30, 2016
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Stormwater Management Brief

SVCA staff has reviewed a *Stormwater Management Brief* by Van Harten Surveying Inc. dated October 30, 2014 and revised February 17, 2015. This report included the study area of Cork-Queen-Homewood-Waterloo Street block, including the subject property. Among other things, this report recommend that the lowest exterior opening of proposed development in the study area, including the subject property, be at or above the lowest elevation of Cork Street.

All of the plan review functions have been assessed with respect to this proposal. The Authority is of the opinion that the proposed Minor Variance appears to conform to the relevant policies of the Wellington County Official Plan, and Provincial Policies.

We trust you find this information helpful. Should questions arise, please do not hesitate to contact this office.

Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation

MO\

cc: Karen Wallace, Clerk, Township of Wellington-North (via email)
Darren Jones, CBO, Township of Wellington North (via email)
Steve McCabe, Authority Member, SVCA (via email)
1373580 Ontario Ltd. (Steve Hummel), owner/applicant (via email)