

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A03/14

The Committee of Adjustment met on Monday, April 28, 2014 at the Kenilworth Municipal Office, at 7:00 p.m.

Members Present:

**Chairman: Raymond Tout
Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake**

Also Present:

**Secretary-Treasurer, Catherine More
C.A.O./Clerk, Michael Givens
Executive Assistant, Cathy Conrad
Chief Building Official, Darren Jones
Township Planner, Linda Redmond
Director of Public Works, Deb Zehr
Business Economic Manager, Dale Small
Treasurer, Paul Dowber
Acting Fire Chief, Dave Guilbault**

1. The Chairman called the meeting to order.
2. Disclosure of Pecuniary Interest and General Nature Thereof

None Reported
3. Minutes

**Moved by: Lennox
Seconded by: Yake**

***THAT the Committee of Adjustment meeting minutes of March 10, 2014
– A01/14 and A02/14 be adopted as presented.***

Resolution No. 1

Carried

The public meeting was held to consider Minor Variance Application A3/14 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A03/14

Page Two

APPLICATION A03/14

Owners/Applicant: Donald Martin

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 29, Concession 3, geographic Township of West Garafraxa, with a municipal address of 7319 Second Line. The subject land is approximately 38.43 ha (94.97 acres) in size and is zoned Agricultural and Natural Environment.

THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the Minimum Distance Separation II (MDS II) requirements for the construction of a new hog finishing barn.

4. The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on April 16, 2014 as well as posted on the property.

5. Linda Redmond reviewed comments prepared by Jameson Pickard, Junior Planner, dated April 24, 2014.

The variance was requested from Section 6.17.2 (Minimum Distance Separation II calculations) of the Wellington North By-law in order to construct a new hog finishing barn within 168 m (554 ft.) of a neighbours dwelling, whereas 275 m (901 ft.) is required.

The applicant proposed to construct a new hog finishing barn on the property and decommission the existing hog finishing barn and use it for storage purposes. The construction of the new barn would allow for this operation to be further setback from the impacted neighbours dwelling than is currently afforded with the use of the existing barn. Although MDS II is still deficient to the neighbours dwelling it presents an opportunity to make the existing deficiency considerably less.

The Planning Department was generally supportive of the relief requested at this time. There were no other reasonable locations on the property that could accommodate the proposed structure and allow for the MDS II setbacks to be met.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A03/14

Page Three

Under the 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 46 of the MDS Implementation Guidelines states 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.”

The subject property is designated Prime Agricultural and Core Greenlands in the Wellington County Official Plan. 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.

Under the Wellington North Zoning By-law the subject property is currently zoned Agricultural (A) and Natural Environment (NE) zone. The applicants are proposing to construct a new hog finishing barn with a ground floor area of 10,200 ft² (947.6 m²). The applicant has indicated that the proposed barn location is based on a site that will not damage existing tile drainage in the field. As a result relief from the Minimum Distance Separation II (MDS II) setbacks are required to allow for the new structure to be constructed. As such, the following relief would be required:

- 1) That the setback to the nearest neighbours dwelling be 168 m (554 ft.), whereas 275 m (901 ft.) is required. The total relief requested would be 107 m (351 ft.)

The applicants were planning on decommissioning the existing hog finishing barn and tailings pond and using the structure for storage purposes. The existing barn which has existed on the property since 1978 is considerably closer to the impacted neighbours dwelling than the proposed new barn. Although the MDS II requirement cannot be met to the new hog finishing barn its proposed location is further away from the impacted neighbour’s house and would reduce the existing MDS deficiency present on the property.

6. Correspondence/Comments received:

- None.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A03/14

Page Four

7. 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.

Persons present who wish to make oral and/or written submissions against this application.

- None

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

Committee – Comments and Questions

Andy Lennox questioned is the proposed barn will have under barn storage for manure. Mr. Martin responded that manure storage will be under the barn. Mr. Lennox supported the application as it is an improvement to the current barn location.

Moved by: Yake

Seconded by: Lennox

THAT the minor variance applied for in Application A03/14 be authorized with the condition that the existing hog finishing barn and tailings pond be decommissioned.

Resolution No. 2

Carried

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

A03/14

Page Five

8. Adjournment

**Moved by: Yake
Seconded by: Lennox**

That the Committee of Adjustment meeting of April 28, 2014 be adjourned at 7:05 p.m.

Resolution No. 3

Carried

Secretary Treasurer

Chairman