

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT  
OCTOBER 23, 2023 @ 7:00 P.M.  
HYBRID MEETING – IN PERSON AND 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/86192183376>

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) or 1 438 809 7799 (*long distance charges may apply*)

Webinar ID: 861 9218 3376

**PAGE  
NUMBER**

**CALLING TO ORDER** - Chairperson Lennox

**DISCLOSURE OF PECUNIARY INTEREST**

A11/23 James Martin

**MINUTES OF PREVIOUS MEETING(S)**

- Committee of Adjustment, September 25, 2023 (A10/23)

3

Recommendation:

THAT the Committee of Adjustment meeting minutes of September 25, 2023 – A10/23 be adopted as presented.

**APPLICATION**

A11/23 – James Martin

**THE LOCATION OF THE SUBJECT PROPERTY** is described as EOSR Part Lot 13 DIV 1, and municipally known as 9451 Highway 6. The property is approximately 17.4 ha (43 ac) in size. The location of the property is shown on the map attached.

7

**THE PURPOSE AND EFFECT** of the application is to provide relief from the minimum side yard setback requirement for a hobby barn, and to permit the hobby barn within the Natural Environment (NE) Zone. The applicant is proposing to construct a hobby barn with an interior side yard setback of 9.14 m (30 ft) and located partially within the NE zone. 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 October 3, 2023.

## PRESENTATIONS

- Jessica Rahim, Senior Planner, County of Wellington, Township of Wellington North
- Planning Report dated October 18, 2023 8

## CORRESPONDENCE FOR COMMITTEE'S REVIEW

- Michael Oberle, Environmental Planning Technician, Saugeen Conservation
- Letter dated October 17, 2023 (No Objection) 11

## 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 A11/23, for the property described as EOSR Part Lot 13, DIV 1, geographic Township of Arthur, with a civic address of 9451 Highway 6, to provide the following relief;

1. **THAT a Minimum Side Yard Setback, for a Hobby Barn, of 9.14 m (30 ft) be permitted, whereas the By-law requires 22.8 m (74.8 ft).**

## ADJOURNMENT

Recommendation:

*THAT* the committee of adjustment meeting of October 23, 2023 be adjourned at \_\_\_\_\_.

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT  
SEPTEMBER 25, 2023 @ 7:00 P.M.  
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING**

<b>Members Present:</b>	<b>Chairperson:</b>	<b>Andrew Lennox</b>
	<b>Members:</b>	<b>Lisa Hern</b>
		<b>Steve McCabe</b>
		<b>Penny Renken</b>
<b>Member Absent:</b>	<b>Member:</b>	<b>Sherry Burke</b>
<b>Staff Present:</b>		
	<b>Chief Administrative Officer:</b>	<b>Brooke Lambert</b>
	<b>Director of Legislative Services/Clerk:</b>	<b>Karren Wallace</b>
	<b>Deputy Clerk:</b>	<b>Catherine Conrad</b>
	<b>Human Resources Manager:</b>	<b>Amy Tollefson</b>
<b>Manager Community &amp; Economic Development:</b>		<b>Dale Small</b>
	<b>Manager of Recreation Services:</b>	<b>Tom Bowden</b>
	<b>Senior Project Manager:</b>	<b>Tammy Stevenson</b>
	<b>Senior Planner:</b>	<b>Matthieu Daoust</b>

**CALLING TO ORDER - Chairperson Lennox**

Chairperson Lennox called the meeting to order.

**DISCLOSURE OF PECUNIARY INTEREST**

No pecuniary interest disclosed.

**MINUTES OF PREVIOUS MEETING(S)**

- Committee of Adjustment September 11, 2023 (A09/23)

RESOLUTION: 017-2023

Moved: McCabe

Seconded: Renken

THAT the Committee of Adjustment meeting minutes of September 11, 2023 – A09/23 be adopted as presented.

CARRIED

**APPLICATION**

A10/23 - Eugene Sidlar

THE LOCATION OF THE SUBJECT PROPERTY is described as Survey Thomas Harris Lot 5, Part Lot 4 and municipally known as 370 Queen St W. The property is approximately 0.16 ha (0.4 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the maximum height for an accessory structure. The applicant is proposing to build a garage for personal use with a height of 28 ft (8.53 m). Other variances may be considered where deemed appropriate.

**SECRETARY TREASURER**

**Committee of Adjustment Minutes, September 25, 2023****Page 2 of 4**

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 September 12, 2023.

**PRESENTATIONS**

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

- Planning Report dated September 20, 2023

We have reviewed the application for 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 provide relief from maximum height for an accessory structure. The applicant is proposing to construct a new garage for personal use which will include a second floor for a future additional dwelling unit. The garage is proposed to have a maximum height of 8.5 m (28 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 Survey Thomas Harris Lot 5, Pt Lot 4 and is municipally known as 370 Queen St W. The property is approximately 1,650 m<sup>2</sup> (17,754 ft<sup>2</sup>) in size.

**PROPOSAL**

The purpose of this application is to provide relief from maximum height for an accessory structure. The applicant is proposing to construct a new garage for personal use which will include a second floor for a future additional dwelling unit. The garage is proposed to have a maximum height of 8.5 m (28 ft).

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated RESIDENTIAL within the Urban Centre of Mount Forest. 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 Zone (R1B). The applicant is proposing to construct a new garage and requires the following variance:

<b>General Regulations</b>	<b>Permitted</b>	<b>Proposed</b>	<b>Difference</b>
<b>Height, Maximum</b> Section 6.1.3 a	4.57 m (15 ft)	8.53 m (28 ft)	3.96 m (13 ft)

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

### **CORRESPONDENCE FOR COMMITTEE'S REVIEW**

Kim Funk, Source Protection Coordinator, Wellington Source Water Protection

- Email dated September 18, 2023 (No Objections)

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Letter dated August 24, 2023 (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**

Eugene Sidlar, Applicant, was present to answer any questions.

### **COMMENTS/QUESTIONS FROM THE COMMITTEE**

Member McCabe asked if there are buildings on the property now. Mr. Sidlar stated that the only existing structure is the house. The remainder of it is empty. Member McCabe commented on the proposed height of the building. Mr. Sidlar explained that they would like to make the ground floor height twelve feet to be able to accommodate a pick up truck with an attached camping trailer with an air conditioner on top. The second floor would be a potential dwelling unit.

Member Renken inquired if the proposed driveway is a second driveway. Mr. Sidlar explained that the current driveway divides the property. The proposed driveway is replacing the existing driveway and moving it further away towards the edge of the property. The existing driveway will be removed and replaced with lawn.

Member Hern was supportive of adding an additional residential unit and staying within the footprint that is there.

Chairperson Lennox commented that the minor variance is for an accessory structure with potential for it to be used as an accessory dwelling unit in the future. Would a rezoning be required for the future additional dwelling? Mr. Daoust stated that a zoning amendment would not be required but building permits would be required at the time of creating the dwelling unit.

### **DECISION**

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

THAT the minor variance applied for in Application A10/23, for the property described as Survey Thomas Harris Lot 5, Part Lot 4, geographic Town of Mount Forest, with a civic address of 370 Queen St W, to provide the following relief;

1. THAT an increased Maximum Height of 8.53 m (28 ft) be permitted, for an accessory building, whereas the By-Law allows 4.57 m (15 ft).

APPROVED

**ADJOURNMENT**

RESOLUTION: 017-2023

Moved: Renken

Seconded: McCabe

THAT the committee of adjustment meeting of September 25, 2023 be adjourned at 7:42 p.m.

CARRIED

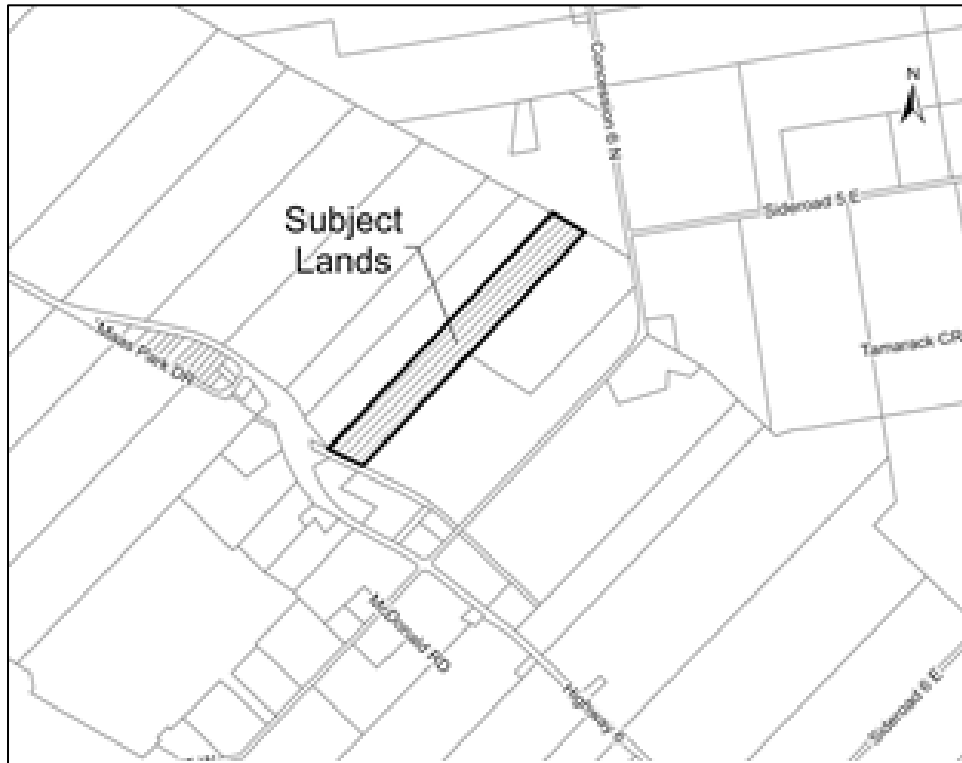
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**MAYOR**

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**CLERK**

**JAMES MARTIN**





## 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

October 18<sup>th</sup>, 2023

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 – A11/23  
9451 Highway 6  
EOSR Part Lot 13 DIV 1  
James Martin**

We have reviewed the application for 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 provide relief from the minimum interior side yard setback requirement for a hobby barn and permit the hobby barn within the Natural Environment (NE) Zone. The applicant is proposing to construct a hobby barn with an interior side yard setback of 9.14 m (30ft) and located partially within the 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. Upon re-interpretation of the zone boundary, all requirements (including any setbacks) shall be reviewed relative to the revised interpretation. SVCA provided comments to the Township dated October 17<sup>th</sup>, 2023 recommending that the Core Greenlands and NE zone be updated to better reflect site conditions on the property. The closest dwelling is located over 615 ft from the proposed hobby barn and the property is surrounded by agricultural land.

Therefore, we have no concerns with the relief requested for the new hobby barn. 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 EOSR Part Lot 13 DIV 1 and is municipally known as 9451 Highway 6. The property is approximately 17.4 ha (43 ac) in size. The location of the property is shown on Figure 1.

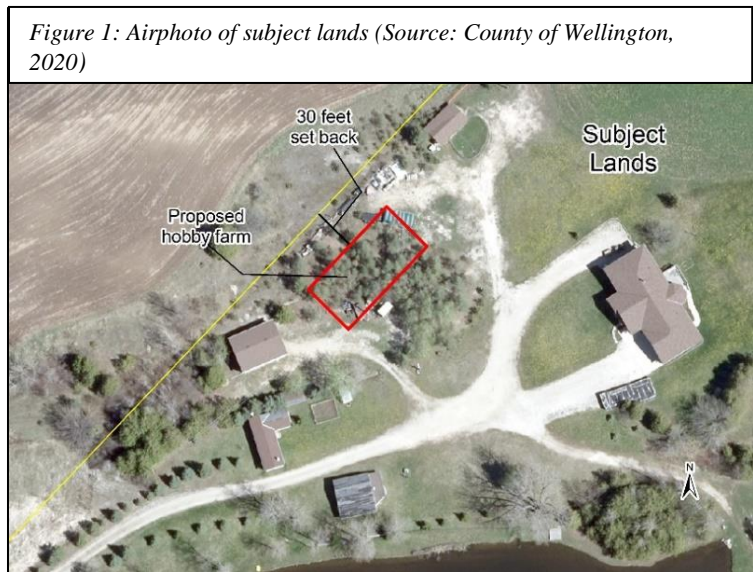
### **PROPOSAL**

The purpose of this application is to provide relief from the minimum side yard setback requirement for a hobby barn and permit the hobby barn within the Natural Environment (NE) Zone. The applicant is proposing to construct a hobby barn with an interior side yard setback of 9.14 m (30ft) and located partially within the NE Zone.



**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated Prime Agricultural and Core Greenlands within the County Official Plan. Identified environmental features within the Core Greenlands are Saugeen Valley Conservation Authority regulated Hazard Lands. 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.



The proposed hobby barn is in close proximity to the regulated area of the Saugeen Valley Conservation Authority (SVCA). Approval will be required from the SVCA to construct the new hobby barn within the regulated area.

**TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW**

The subject property is zoned Agricultural (A), Agricultural Site Specific (A-1) and Natural Environment (NE) Zone. The applicant is proposing to construct a new hobby barn within the lands zoned A-1 and within close proximity to the NE zone with a reduced side yard setback. The lands zoned A-1 represents an area of 1 kilometer around urban boundaries. A hobby barn is considered an accessory use to a single detached dwelling, and therefore is permitted within the A-1 Zone.

New hobby barns are not permitted within the 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. Upon re-interpretation of the zone boundary, all requirements (including any setbacks) shall be reviewed relative to the revised interpretation. SVCA provided comments to the Township dated October 17<sup>th</sup>, 2023 indicating “SVCA staff have edited our SVCA Hazard Lands, and SVCA staff recommend that the Natural Environment (NE) zone and Core Greenlands designation be updated at the next opportunity to coincide with SVCA Hazard Lands to better reflect site conditions on the property”. With respect to the impact, the closest dwelling is approximately 187 m (615 ft) away from the proposed hobby barn. There are no rural residential uses in proximity that may be impacted.

The applicant is proposing to construct a new hobby barn and requires the following variance:

General Regulations	Permitted	Proposed	Difference
Side Yard Setback, Minimum Section 8.3.2 a	22.8 m (74.8 ft)	9.14 m (30 ft)	13.66 m (44.8 ft)

The variance requested is minor and appropriate for the use of the lot. SVCA has reinterpreted the NE zone boundary on the subject lands allowing the hobby barn to be constructed outside the new interpreted regulated area. The proposed hobby barn is also set back sufficient distance from the neighbouring dwellings. The variance meets 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,



Jessica Rahim  
Senior Planner

SENT ELECTRONICALLY (tpringle@wellington-north.com)

October 17, 2023

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

ATTENTION: Tammy Pringle, Development Clerk

Dear Ms. Pringle,

RE: Minor Variance A11-23 (Martin)  
9451 Highway 6  
Roll No. 234900000900400  
Part Lot 13, Concession EOSR, Division 1  
Geographic Township of Arthur  
Township of Wellington North

Saugeen Valley Conservation Authority (SVCA) staff has reviewed the above-noted application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). The application has also been reviewed through our role as a public body under the Planning Act as per SVCA's Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018. Finally, we have screened the application to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

## Purpose

The purpose and effect of the application is to provide relief from the minimum side yard setback requirement for a hobby barn, and to permit the hobby barn within the Natural Environment (NE) Zone. The applicant is proposing to construct a hobby barn with an interior side yard setback of 9.14 m (30 ft) and located partially within the NE zone. Other variances may be considered where deemed appropriate.

Minor Variance A11-23 (Martin)

October 17, 2023

Page 2 of 4

## **Background**

The SVCA was contacted by the potential purchaser (Mr. Martin) on September 19, 2023 regarding construction of a barn. SVCA staff were contacted by the building department on October 6, 2023 regarding review of the property and SVCA staff conducted a site inspection to the property on October 10, 2023 and met with the landowner (Ms. Pajeska). Based on the site inspection, SVCA staff have edited our SVCA Hazard Lands, and SVCA staff recommend that the Natural Environment (NE) zone and Core Greenlands designation be updated at the next opportunity to coincide with SVCA Hazard Lands to better reflect site conditions on the property.

## **Recommendation**

The application is generally acceptable to SVCA staff. We elaborate in the following paragraphs.

## **Delegated Responsibility and Advisory Comments**

### **Natural Hazards**

Large portions of the property are designated as Core Greenlands in the County of Wellington Official Plan (OP), Schedule B6 Wellington North, and zoned NE in the Township of Wellington North Zoning By-law 66-01. In general, the Core Greenlands designation and NE zone is identifying the watercourse (Bell's/Bethel Creek) and its floodplain and valley slope, and any wetlands/swamps on the property.

However, as noted above, based on the SVCA site inspection to the property, it is the opinion of SVCA staff that the Natural Environment (NE) zone and Core Greenlands designation can be updated at the next opportunity to coincide with SVCA Hazard Lands to better reflect site conditions on the property. The update/revision to the NE zone and Core Greenlands designation would then show that the proposed barn, the subject of the A11-23 application, and the existing detached accessory buildings would not be located within the NE zone and Core Greenlands designation. The SVCA recommended NE zone and Core Greenlands designation is shown on the attached SVCA map as Hazard Lands.

### **Provincial Policy Statement – Section 3.1**

Section 3.3.1 of the PPS (2020) states, in general, that development shall be directed to areas outside of hazardous lands, and hazardous sites.

### **County of Wellington Official Plan Policies**

Section 5.4.3 of the Wellington County OP generally directs development to be located outside of hazardous lands.

Provided the NE zone and Core Greenlands mapping is updated, it is the opinion of SVCA staff that the application would comply with the natural hazard policies of the PPS (2020), and the County of Wellington OP.

## Drinking Water Source Protection

The subject property appears to SVCA staff to not be located within an area that is subject to the local Drinking Water Source Protection Plan. To confirm, please contact Kyle Davis, Risk Management Official (RMO) at kdavis@centrewellington.ca.

## SVCA Regulation 169/06

SVCA staff has reviewed the application as per our responsibilities as a regulatory authority under Ontario Regulation 169/06 (SVCA's Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation). This regulation, made under Section 28 of the Conservation Authorities Act, enables SVCA to regulate development in or adjacent to river or stream valleys, Great Lakes and inland lake shorelines, watercourses, hazardous lands and wetlands. Subject to the Conservation Authorities Act (CAA), development taking place on or adjacent to these lands may require permission from SVCA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. SVCA also regulates the alteration to or interference in any way with a watercourse or wetland.

A large area of the property is within the SVCA Approximate Screening Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within this area requires permission from SVCA, prior to carrying out the work. For the property, the SVCA Approximate Screening Area is representing the natural hazard features associated with Bells/Bethel Creek and its related flood, erosion and valley slope hazards and any adjacent wetlands/swamps, plus an offset distance from these features.

"Development" as defined under the Conservation Authorities Act means:

- a) the construction, reconstruction, erection or placing of a building or structure of any kind;
- b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- c) site grading; or,
- d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

And;

"Alteration" as per Section 5 of Ontario Regulation 169/06 generally includes the straightening, diverting or interference in any way with a river, creek, stream or watercourse, or the changing or interfering in any way with a wetland.

To determine the SVCA Approximate Screening Area on the property, please refer to the SVCA's online mapping program, available via the SVCA's website at <http://eprweb.svca.on.ca>. Please also see the attached SVCA mapping, showing the SVCA Approximate Screening Area limit.

Township of Wellington North  
Minor Variance A11-23 (Martin)  
October 17, 2023  
Page 4 of 4

### **SVCA Permission for Development or Alteration**

Development or alteration including construction, reconstruction, conversion, grading, filling or excavation, as well as agricultural tile drainage, within the SVCA Approximate Screening Area may require permission (SVCA permit) prior to the works commencing.

Based on the application and site plan submitted as part of the application, and the attached SVCA mapping, the proposed barn will be located adjacent to, but beyond/outside the SVCA Approximate Screening Area. Therefore, a permit from the SVCA will not be required for the proposed barn.

### **Summary**

SVCA staff has reviewed this application as per our mandated responsibilities for natural hazard management, including our regulatory role under the Conservation Authorities Act. Additionally, we have screened the proposed to determine the applicability of the Saugeen, Grey Sauble, Northern Bruce Peninsula Source Protection Plan, prepared under the Clean Water Act, 2006.

The application is generally acceptable to SVCA staff.

Given the above comments, it is the opinion of the SVCA staff that:

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS has been demonstrated;  
and
- 2) Consistency with local planning policies for natural hazards has been demonstrated.

Please inform this office of any decision made by the Township of Wellington North with regard to this application. We respectfully request to receive a copy of the decision and notice of any appeals filed. Should you have any questions, please contact the undersigned.


Sincerely,

Michael Oberle  
Environmental Planning Technician  
Saugeen Conservation  
MO/  
Enclosure: SVCA map

cc: Karen Wallace, Clerk, Township of Wellington North (via email)  
Darren Jones, Chief Building Official (CBO), Township of Wellington North (via email)  
Jessica Rahim, Senior Planner, County of Wellington (via email: jessicara@wellington.ca)  
James Martin, agent/applicant (via mail: 6474 Line 86, RR #2, West Montrose, ON, NOB 2V0)  
Steve McCabe, Authority Member, SVCA (via email)

Page 15 of 15  
A11-23 (Martin)  
9451 Highway 6  
Roll No.  
234900000900400  
Pt Lt 13 Con EOSR  
Div 1, Arthur  
Wellington North

**Legend**

-  Hazard Land recommended NE zone
-  SVCA Approximate Screening Area limit
-  Watercourse
-  subject property
-  Parcel Fabric

**Lot 13  
EOSR  
Arthur**



UTM Zone 17N, NAD 83

1:4000

The included mapping has been compiled from various sources and is for information purposes only. Saugeen Valley Conservation Authority (SVCA) is not responsible for, and cannot guarantee, the accuracy of all the information contained within the map.

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October 17, 2023

