

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT
FEBRUARY 10, 2020 @ 2:00 P.M.
MUNICIPAL OFFICE COUNCIL CHAMBERS, KENILWORTH**

**PAGE
NUMBER**

CALLING TO ORDER - Mayor Lennox

DISCLOSURE OF PECUNIARY INTEREST

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, January 27, 2020 (A08/19)

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Recommendation:

THAT the Committee of Adjustment meeting minutes of January 27th, 2020 – A08/19 be adopted as presented.

APPLICATION

A01/20 – Earl & Laura Bowman

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 16, Concession 2 W, geographic Township of Arthur, with a civic address of 9031 Concession 2. The subject land is approximately 40 ha (98.8 ac). The location of the property is shown on the map attached.

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THE PURPOSE AND EFFECT of the application is to provide relief from the Minimum Distance Separation 2 (MDS 2) setback requirements. The applicant is proposing to construct a new hog finishing barn and cannot meet the minimum distance required to the nearest neighbouring dwelling. 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 January 28, 2020.

PRESENTATIONS

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

- Planning Report dated February 4th, 2020

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CORRESPONDENCE FOR COMMITTEE'S REVIEW

None Received

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

Recommendation:

THAT the minor variance applied for in Application A01/20, for the property described as Part Lot 16, Concession 2 W, geographic Township of Arthur, with a civic address of 9031 Concession 2, to provide the following relief;

- **THAT** a reduced minimum distance separation (MDS II) of 274m from the surrounding Type A uses (neighbours dwelling) be permitted, whereas the By-law requires 457m.

OPTION 1: Be authorized

OPTION 2: Be denied

ADJOURNMENT

Recommendation:

THAT the committee of adjustment meeting of February 10, 2020 be adjourned.

- A reduced interior side yard setback of 6 m whereas the by-law requires a minimum 7.55 m side yard setback;
- An increased building height of 15.1 m whereas the by-law requires a maximum building height of 12 m;
- An increased balcony projection of 1.853 m into the interior side yard whereas the by-law requires a maximum balcony projection of 1 m; and
- A reduced parking stall size of 2.9 m by 5.5 m within the private garage whereas the by-law requires a parking stall size of 3 m X 6 m.

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 January 7, 2020.

PRESENTATIONS

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

- Planning Report dated January 22, 2020

Planning Opinion:

The variances being requested would provide relief from five (5) requirements of the Wellington North Zoning By-law for the establishment of a 33-unit apartment building.

We have no concerns with the relief requested to facilitate this infill development 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 Park Lot 1, Plan Town Mount Forest, geographic Township of Mount Forest, with a civic address of 391 Main Street North. The subject land is approximately 0.32 ha (0.79 ac).

PROPOSAL

This proposal is to provide relief from the minimum lot area, minimum interior side yard setback, maximum building height, maximum projection of a balcony into an interior side yard and the minimum parking space size permitted within a private garage. The applicants are proposing to construct a 33-unit apartment building on the subject lands.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated Residential Transition and a small portion is designated Industrial within the Mount Forest Urban Center. 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.

Section 3.3 sets out objectives for growth and encourages growth in urban areas. It further promotes growth opportunities in built up areas through intensification. Additionally, seeks to provides residents with differing affordable housing typologies. Section 3.3.1 establishes residential intensification targets, particularly stating that a minimum of 20% of all residential development will occur within the built-up area. This application is located within the built boundary of Mount Forest and will contribute and support this target.

Section 4.4.3 encourages intensification in urban centres and subsection b) notes “supports appropriate intensification in all areas within the built boundary including adaptive re-use or

redevelopment of brownfields and greyfields”. This application is considered a greyfield development and will contribute and support this intensification strategy.

Section 4.4.5 promotes affordable housing within the County of Wellington and looks to ensure that a minimum of 25% of new housing units in the County will be affordable. In Wellington, low rise apartments are included in a list of housing typologies which will form the bulk of affordable housing opportunities in the County.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Main Street Mixed Use Zone (MU2). The applicants are proposing to construct a 33-unit apartment development on the subject lands. The following variances are requested in order to facilitate the apartment development:

	Required	Proposed	Difference
Minimum Lot Area (Section 13.2.3.1)	5,011.3 m ² (53,941 sq ft)	3,272 m ² (35,219.5 sq ft)	1,739.3 m ² (18,721.7 sq ft)
Minimum Interior Side Yard Setback (Section 13.2.3.5)	7.55 m (24.8 ft)	6 m (19.7 ft)	1.55 m (5.08 ft)
Maximum Building Height (Section 13.2.3.7)	12 m (39.4 ft)	15.1 m (49.5 ft)	3.1 m (10.17 ft)
Maximum Interior Side Yard Encroachment (Section 6.37)	1 m (3.28 ft)	1.835 m (6 ft)	0.835 m (2.7 ft)
Minimum Interior Parking Size (Section 6.27.1)	3 m (9.8 ft) x 6 m (19.6 ft)	2.9 m (9.5 ft) x 5.5 m (18 ft)	0.1 m (0.3 ft) x 0.5 m (1.64 ft)

Thus, Staff have no concerns with the proposed new apartment development and are satisfied that the general intent of the zoning by-law is maintained.

CORRESPONDENCE FOR COMMITTEE’S REVIEW

Emily Vandermeulen, Risk Management Inspector, Wellington Source Water Protection

- Email dated January 9, 2020 (No Objection)

Jim Klujber, CEO/President, Wellington North Power

- Letter dated January 10, 2020 (No Objection)

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Letter dated January 14, 2020 (No Objection)

St. John’s Evangelical Lutheran Church, 146 Sligo Road West, Mount Forest

- Letter dated, January 18, 2020 (Request Notification)

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision were requested to submit a written request to the Secretary-Treasurer by signing the sign in sheet.

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

Astrid Clos, Astrid J. Clos Planning Consultants, Applicant's Agent, explained that the increase in building height is to allow for a pitched roof, there are no additional storeys. This design will fit in better with the surrounding buildings. Most of the parking will be within the building so a smaller outside parking area is requested. The proposed building would comply without balconies, but they feel the balconies will add to the quality of life of residents.

COMMENTS/QUESTIONS FROM THE COMMITTEE

There were no comments or questions from the Committee.

DECISION

RESOLUTION: CoA 2020-00

Moved: Yake

Seconded: McCabe

THAT the minor variance applied for in Application A08/19, for the property describes as Part of Park Lot 1, West Side of Main Street & East Side of Foster Street Plan of the Town of Mount Forest, geographic Town of Mount Forest, with a civic address of 391 Main Street North, to provide the following relief;

- *THAT a reduced lot area of 3,272 m² be permitted whereas the By-law requires 5,011.3 m²;*
- *THAT a reduced interior side yard setback of 6 m be permitted whereas the By-law requires 7.55 m;*
- *THAT an increased building height of 15.1 m be permitted whereas the by-law requires a maximum of 12 m;*
- *THAT an increased balcony projection of 1.853 m into the interior side yard be permitted whereas the by-law requires a maximum of 1 m; and*
- *THAT a reduced parking stall size of 2.9 m by 5.5 m within the private garage be permitted whereas 3 m by 6 m is required.*

be authorized

CARRIED

ADJOURNMENT

RESOLUTION: CoA 2020-00

Moved: McCabe

Seconded: Hern

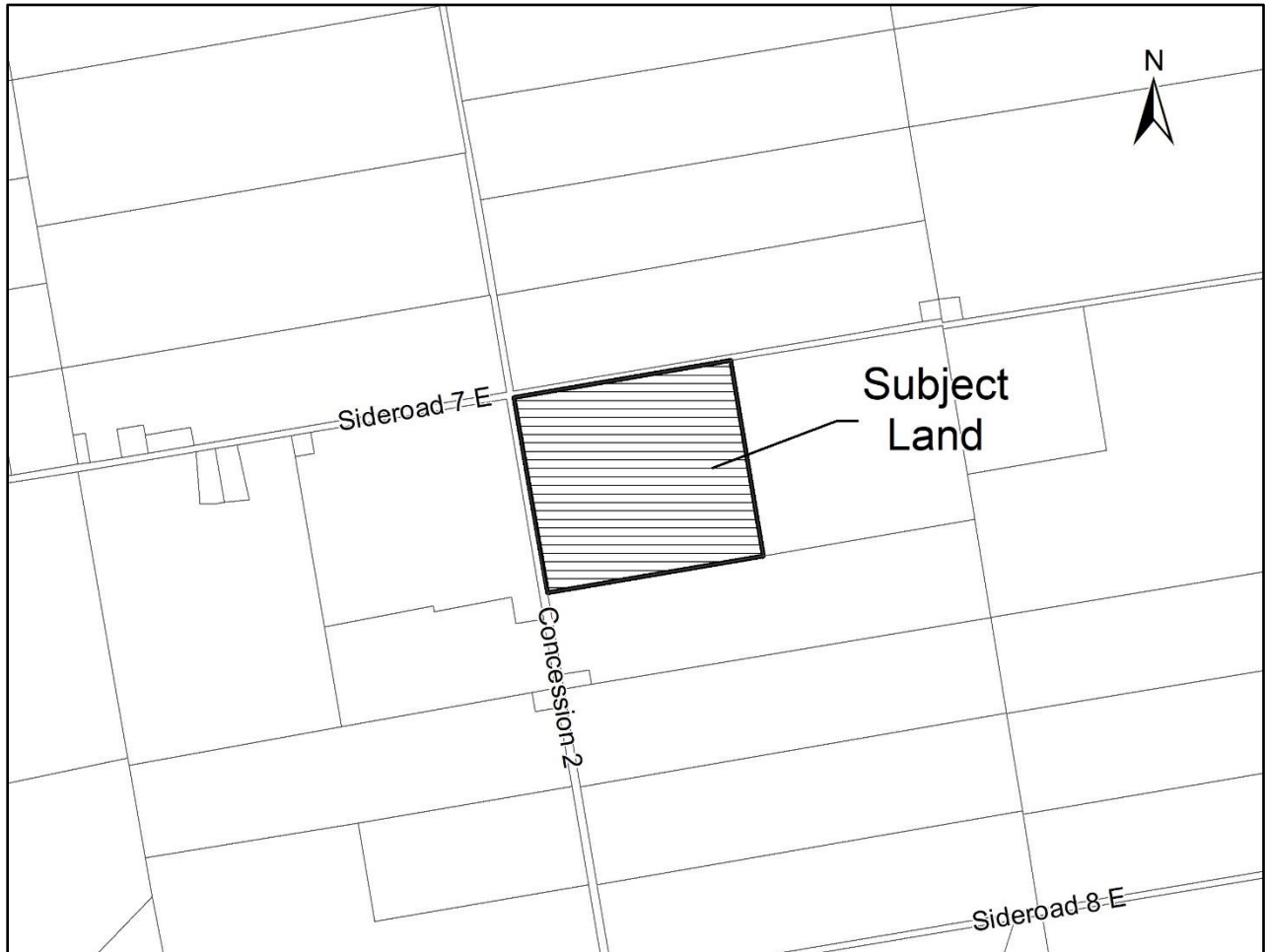
THAT the committee of adjustment meeting of January 27, 2020 be adjourned. 7:29

CARRIED

Secretary Treasurer

Chair

EARL & LAURA BOWMAN





COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR
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ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

February 4th, 2020

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 A01/20**
9031 Concession 2, Part Lot 16 Concession 2 West
Earl & Laura Bowman

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 permit the construction of a hog finishing barn to grow the existing operation. The location of the proposed barn does not meet the minimum distance separation (MDS II) from the surrounding Type A uses (neighbours dwelling).

The location of the proposed barn provides operational efficiency. The applicant has indicated a desire to build close to his existing farm buildings for ease of use and a means of preserving prime farmable land. Thus, we have no concerns with the relief requested for the proposed 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 Part Lot 16, Concession 2 West (geographic Township of Arthur), with a civic address of 9031 Concession 2. The subject land is approximately 40 ha (98.8 acres) and is occupied by a dwelling, finishing barn, machinery shed, pole shed and manure tank (Figure 1).

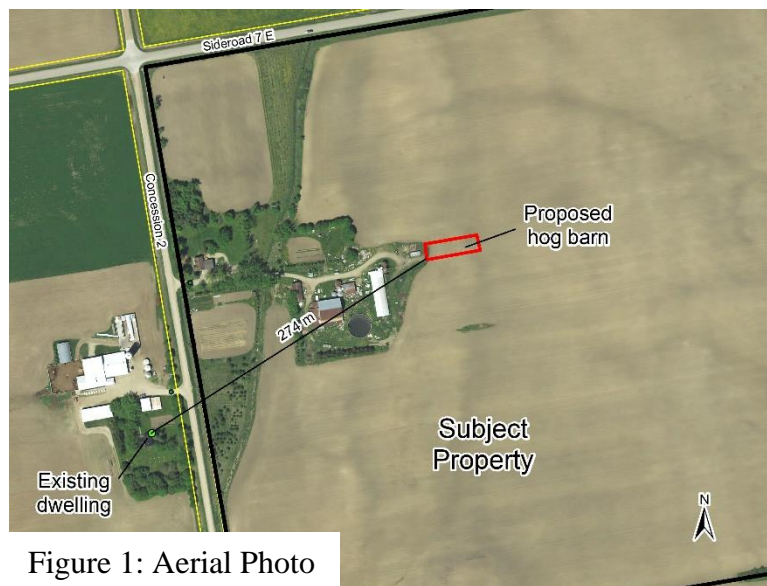


Figure 1: Aerial Photo

PROPOSAL

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirements. The applicants are proposing to construct a new barn and cannot meet the minimum distance required to the nearest Type A land uses (neighbours dwelling) for the new barn.

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 #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 GREENLANDS. The farm building cluster is well removed from the GREENLANDS areas. 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 Agricultural (A) and Natural Environment (NE). The location of the proposed barn does not meet the minimum distance separation (MDS II) to the neighbour’s dwelling. The following relief is required:

The variance requested would provide relief from Section 8.8 and Section 6.17.2 of Zoning By-law 66-01 to construct a new barn with a reduced MDS II setback of 274 m (900 ft) to the neighbors dwelling where the required minimum setback to a Type A use is 457 m (1,499 ft).

Proposed Barn	Required	Proposed	Difference
Minimum Distance Separation II (Section 8.8 and 6.17.2)	457 m (1,499 ft)	274 m (900 ft)	183 m (599 ft)

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

Yours truly,


Matthieu Daoust, Junior Planner