

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

**Members Present:**

**Acting Chair:**

**Dan Yake  
Sherry Burke  
Lisa Hern**

**Members Absent:**

**Chair:**

**Andrew Lennox  
Steve McCabe**

**Staff Present:**

<b>Chief Administrative Officer:</b>	<b>Michael Givens</b>
<b>Director of Legislative Services/Clerk:</b>	<b>Karren Wallace</b>
<b>Deputy Clerk:</b>	<b>Catherine Conrad</b>
<b>Director of Finance:</b>	<b>Adam McNabb</b>
<b>Director of Operations:</b>	<b>Matthew Aston</b>
<b>Economic Development Officer:</b>	<b>Dale Small</b>
<b>Manager of Transportation Services:</b>	<b>Dale Clark</b>
<b>Manager of Environment and Development:</b>	<b>Corey Schmidt</b>
<b>Process Compliance Analyst:</b>	<b>Sara McDougall</b>
<b>Chief Building Official:</b>	<b>Darren Jones</b>
<b>Development Clerk:</b>	<b>Tammy Pringle</b>
<b>Senior Planner:</b>	<b>Michelle Innocente</b>
<b>Risk Management Inspector/ Source Protection Coordinator</b>	<b>Emily Vandermeulen</b>

**CALLING TO ORDER** – Acting Chair Yake

**DISCLOSURE OF PECUNIARY INTEREST**

No disclosure of pecuniary interest declared.

**MINUTES OF PREVIOUS MEETING(S)**

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

RESOLUTION: CoA 2020-007

Moved: Burke

Seconded: Hern

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

CARRIED

**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 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 4<sup>th</sup>, 2020

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.

### 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).

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

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

Laura Warner, Resource Planner, Grand River Conservation Authority

- Plan Review Report dated February 7, 2020 (no objection)

#### **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**

The Applicant was present to answer to questions regarding application.

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

There were no comments or questions from the Committee.

#### **DECISION**

RESOLUTION: CoA 2020-008

Moved: Hern

Seconded: Burke

*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.

be authorized

CARRIED

#### **ADJOURNMENT**

RESOLUTION: CoA 2020-009

Moved: Hern

Seconded: Burke

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

CARRIED

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Secretary Treasurer

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Acting Chair