

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, MARCH 11, 2019 – 2:00 P.M.
A01/19**

The Committee of Adjustment met in the Municipal Office Council Chambers, Kenilworth.

Members Present:

**Chair: Andrew Lennox
Sherry Burke
Lisa Hern
Steve McCabe
Dan Yake**

Staff Present:

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|---|-------------------------|
| Chief Administrative Officer: | Michael Givens |
| Director of Legislative Services/Clerk: | Karren Wallace |
| Deputy Clerk: | Catherine Conrad |
| Director of Finance: | Adam McNabb |
| Chief Building Official: | Darren Jones |
| Community Recreation Coordinator: | Mandy Jones |
| Economic Development Officer: | Dale Small |
| Human Resources Manager: | Chanda Riggi |
| Jessica Rahim: | Junior Planner |
| Wellington Source Water Protection Risk Management Official: | Kyle Davis |

THE CHAIRMAN CALLED THE MEETING TO ORDER

**DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE
THEREOF**

No pecuniary interest reported.

MINUTES OF PREVIOUS MEETING(S)

RESOLUTION NUMBER CoA 2019-001

Moved by: Member Hern

Seconded by: Member Yake

*THAT the Committee of Adjustment meeting minutes of November 5, 2018 –
A16/18 be adopted as presented.*

CARRIED

APPLICATION A01/19

Owners/Applicant: EBM Farms Inc.

The location of the subject property is described as Part Lot 16, Concession 14, geographic Township of West Luther, with a civic address of 9625 Sideroad 15. The subject land is approximately 34.8 ha (86 ac) in size.

The purpose and effect of the application is to provide relief from the maximum floor area requirements for a home industry. The applicants are proposing to construct a 371.61 m² (4,000 ft²) shop that exceeds the permitted size. Other variances may be considered where deemed appropriate.

NOTICE OF THIS MEETING 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 February 26, 2019.

PRESENTATION

Jessica Rahim, Planner for the County of Wellington, reviewed the Planning report dated February 20, 2019. The comments were formulated without the benefit of a site visit.

Planning Opinion: The variance requested would provide relief from the maximum floor area requirements for a home industry. The applicant is proposing to construct a new 371.61 m² (4,000 ft²) metal shop that exceeds the permitted size.

The applicant should provide for the Committee the purpose of the metal shop as this detail was not included in the application. The Committee should be satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law provided that the home industry remains small scale and secondary to the main use on the property and that the proposed home industry (metal shop) 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 Part Lot 16, Concession 14, geographic Township of West Luther, with a civic address of 9625 Sideroad 15. The subject land is approximately 34.8 ha (86 ac).

PROPOSAL

The purpose of this application is to provide relief from the maximum floor area requirements for a home industry. The applicants are proposing to construct a new 371.61 m² (4,000 ft²) metal shop that exceeds the permitted home industry size.

Provincial Policy Statement (PPS)

The subject property is within an area of prime agricultural land. Under the PPS permitted uses within *prime agricultural areas* include: *agricultural uses, agricultural related uses, and on-farm diversified uses.* An *on-farm diversified use* is defined as: uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified include, but are not limited to home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. Identified features include wetlands.

Under section 6.4.3 of the Plan, secondary uses including home businesses and farm businesses are permitted. Section 6.4.4 further outlines that a home business includes home industries which “are small in scale with a limited number of employees, and minimal off site impacts – examples include minor equipment repair, woodworking, crafts, and welding”.

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) zone. The applicants are proposing to construct a new home industry (metal shop) with an increased floor area of 371.61 m² (4,000 ft²). The home industry is to remain small scale and secondary to the main use on the property. The property appears to be large enough to accommodate the oversized building.

The variance requested would provide relief from Section 6.14 d) of Zoning By-law 66-01 to construct a new home industry (metal shop) with an increased floor area of 371.61 m² (4,000 ft²).

| Shop | Required | Proposed | Difference |
|---|---|---|---|
| Home Industry Regulations (6.14 d) | 232.25 m ² (2,500 ft ²) | 371.61 m ² (4,000 ft ²) | 139.36 m ² (1,500 ft ²) |

CORRESPONDENCE/COMMENTS RECEIVED

Allan Hodgins, Corridor Management Planner (A), MTO

- Does not object, provided the applicant reviews (and acknowledges) the MTO Home Occupation Guideline

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

- Persons present who wish to make oral and/or written submissions in support of the proposed minor variance.

The applicant was present.

- Persons present to make oral and/or written submissions against the proposed minor variance.

No one was present to make oral and/or written submissions against the proposed minor variance.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe inquired if a site visit had taken place since the date on the report and what the planned use of the building is. No site visit has taken place. The building will be used for a metal cutting shop.

The Committee of Adjustment of the Corporation of the Township of Wellington North considered all written and oral submissions received on this application, the effect of which has assisted the Committee to make an informed decision on this planning matter.

RESOLUTION NUMBER CoA 2019-002

Moved by: Member Yake

Seconded by: Member Hern

THAT the minor variance applied for in Application A01/19, for the property described as Part Lot 16, Concession 14, geographic Township of West Luther, with a civic address of 9625 Sideroad 15, to provide the following relief:

1. *THAT a maximum floor area of 371.61 m² (4,000 ft²) be permitted, whereas section 6.14.(c) of the By-law requires 232.25 m² (2,000 ft²), be authorized.*

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2019-003

Moved by: Member Yake

Seconded by: Member Hern

THAT the Committee of Adjustment meeting of March 11, 2019 be adjourned at 2:20 p.m.

CARRIED

Secretary Treasurer

Chair