

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT  
JUNE 8, 2020 @ 7:00 P.M.  
VIA WEB CONFERENCING**

**Members Present:**

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

**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>Chief Building Official:</b>	<b>Darren Jones</b>
<b>Manager of Planning and Environment:</b>	<b>Linda Redmond</b>

**CALLING TO ORDER** - Mayor Lennox

**DISCLOSURE OF PECUNIARY INTEREST**

No pecuniary interest disclosed.

**MINUTES OF PREVIOUS MEETING(S)**

RESOLUTION: CoA 2020-014

Moved: McCabe

Seconded: Yake

*THAT the Committee of Adjustment meeting minutes of February 24, 2020 – A02/20 & A03/20 be adopted as presented.*

CARRIED

**APPLICATION**

**A05/20 – Gerrit Rien & Janneke Dekker**

THE LOCATION OF THE SUBJECT PROPERTY is described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6. The subject land is approximately 40 ha (98.8 ac).

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage. The proposed variances will permit a reduced side yard setback of 4.5 m (15 ft) whereas the by-law requires 18.3 m (60 ft) for accessory building to an agricultural use. 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 May 26, 2020.

**PRESENTATIONS**

Linda Redmond, Manager of Planning and Environment reviewed comments provided by Jessica Rahim, Planner, County of Wellington, Township of Wellington North

- Planning Report dated May 26, 2020

**PLANNING OPINION:** The variance requested is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage area. The proposed variance will permit a reduced side yard setback of 4.5 m (15 ft) whereas the Zoning By-law requires a minimum setback of 18.3m (60 ft) for accessory buildings to an agricultural use.

We have no concerns with the relief requested 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 DIVS 1 to 2 Lots 15 WOSR (Arthur Township) and is Municipally known as 9356 Highway 6. The property is approximately 40 ha (98.8 ac) in size.

#### **PROPOSAL**

The purpose of this application is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage. The proposed variances will permit a reduced side yard setback of 4.5 m (15 ft) whereas the by-law requires 18.3 m (60 ft) for accessory building to an agricultural use.

#### **WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. The farm building cluster is well removed from the Greenlands area. 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), Agricultural Exception (A-1) and Natural Environment (NE). The proposed bunker silos are to be located within the A-1 zone portion of the property. The A-1 zone permits all uses permitted within the A zone except that new livestock facilities shall not be permitted. The applicants are proposing to construct three bunker silos to store their feed for the existing livestock barns on the property. The bunker silos are considered an accessory use to the farm and are therefore permitted within the A-1 zone. The proposed bunker silo location is within the existing farm building cluster on the subject property, and the feed is currently stored outside in a pile at this location with no required setback. The 4.6m (15 ft) setback allows for sufficient space to maintain the side of the bunker silo and there does not appear to be any impacts on neighbouring properties.

The variance requested would provide relief from Section 8.2.4 d) of Zoning By-law 66-01 to allow for a reduced side yard setback of 4.6 m (15 ft) to permit a bunker silo within the farm building cluster.

<b>Accessory Bunker Silo</b>	<b>Permitted</b>	<b>Proposed</b>	<b>Difference</b>
<b>Interior Side Yard Setback</b> (Section 8.2.4. d)	18.3m (60.0 ft)	4.6 m (15 ft)	13.7 m (45 ft)

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

Noah & Verna Martin

- Letter dated June 4, 2020, objection to a reduction in the side yard setback

## **REQUEST FOR NOTICE OF DECISION**

A copy of the Notice of Decision will be sent to everyone on the circulation list.

## **CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS**

Rien Dekker, Applicant, was present via Zoom (audio and visual) to provide comments in support of the application. Mr. Dekker explained the bunker silo in question is two of three, one of which did not require a minor variance. The opening will face the southwest and the back wall will be backfilled and seeded so that it will not be visible from the highway or to neighbours across the road. He noted bunker silos improve feed quality and odour will be reduced and felt there would be a minimum impact on neighbours. In response to the concerns expressed in Noah and Verna Martin's letter of objection dated June 4, 2020, Mr. Dekker indicated he can easily drive his equipment within the 15 ft side yard and the barn does meet the required setbacks. He noted the odour issue referred to by Mr. Martin pending a resolution at the Normal Farm Practices and Protection Board hearing, but it has been delayed due to COVID 19.

Kent Benson, 9357 Highway 6, was present via telephone to object to the application. He questioned how this application can proceed when there is a pending hearing at the Normal Farm Practices and Protection Board, why a building permit was issued for the bunker silo and work started prior to this meeting for the minor variance. Mr. Benson stated there is cement poured with rebar in place for walls and that the Building Inspector had done an inspection. He indicated that he has a letter from Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) that indicates the barn is too close to neighbouring properties.

Mayor Lennox explained that a building permit was issued for the first bunker of the 3 bunker silo because it met the required setbacks and didn't require a minor variance and that a permit is not required to pour a concrete slab.

Mr. Noah Martin owner of 9372 Highway 6 had registered to speak in opposition by telephone, however due to another commitment he did not speak. He did make a written submission that appeared in the agenda package.

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

Councillor McCabe inquired if the Committee could make a decision at this time, in light of the pending Normal Farm Practices and Protection Board hearing. Darren Jones, Chief Building Official explained that a decision could be made as the two items are not related.

Councillor Burke said she appreciates the fact that Mr. Dekker wants to keep everything within the farm cluster, she does not feel the application is minor in nature and asked if there is any consideration given to moving the silos to another location on the property. Mr. Dekker explained that all feed storage is close to this area so he would like to keep everything together. Feed can still be stored there without the bunker silo and the need for a minor variance but noted it would be visible to the neighbours and there could possibly be more odour.

Councillor Yake questioned if the applicant understood the risk in putting the concrete pad in place prior to obtaining the minor variance and Mr. Dekker responded that he did understand the risk if the variance wasn't granted.

Mayor Lennox stated that Mr. Dekker has been storing silage on the ground in that area and if it were located in a bunker silo it would reduce odours and produce a better quality feed.

Mayor Lennox inquired if any other adjacent property owners had any objection and Darren Jones, Chief Building Official, responded that there was no correspondence received from any other adjoining neighbour.

Councillor McCabe asked if there was any harm in waiting until after the Normal Farm Practices and Protection Board hearing, noting if a decision is delayed by a month there is still time for crops.

Councillor Hern supported a wait and see approach.

Mr. Dekker commented that the bunker silo is a separate issue and has nothing to do with the issue at the Normal Farm Practices and Protection Board, advising it is crop season and he would like to finish the bunker to store feed.

Mayor Lennox stated the minor variance is a separate issue from the issue before the Board and it is inappropriate to consider them as if they were.

## DECISION

RESOLUTION: CoA 2020-015

Moved: Yake

Seconded: Burke

*THAT the minor variance applied for in Application A05/20, for the property described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6, to provide the following relief;*

- 1. THAT a reduced Interior Side Yard Setback of 4.6m (15 ft) be permitted, for a proposed bunker silo feed storage accessory building, whereas the By-Law requires 8.3m (60 ft).*

*be denied.*

DEFEATED

RESOLUTION: CoA 2020-016

Moved: McCabe

Seconded: Hern

*THAT the minor variance applied for in Application A05/20, for the property described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6, to provide the following relief;*

- 1. THAT a reduced Interior Side Yard Setback of 4.6m (15 ft) be permitted, for a proposed bunker silo feed storage accessory building, whereas the By-Law requires 8.3m (60 ft).*

*Be deferred for 60 days, or less dependent on the Normal Farm Practices Protection Board hearing.*

DEFEATED

RESOLUTION: CoA 2020-017

Moved: Lennox

Seconded: McCabe

*THAT the minor variance applied for in Application A05/20, for the property described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6, to provide the following relief;*

- 1. THAT a reduced Interior Side Yard Setback of 4.6m (15 ft) be permitted, for a proposed bunker silo feed storage accessory building, whereas the By-Law requires 8.3m (60 ft).*

*be authorized.*

DEFEATED

## APPLICATION

### A06/20 – Bryce Switzer

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 24, Registered Plan 60R2314, Part 1 and is Municipally known as 310 John Street, Mount Forest, Geographic Town of Mount Forest. The property is approximately 0.06 ha (0.15 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum rear yard setback for a proposed single detached dwelling. The proposed variances will permit a reduced rear yard setback of 5.9 m whereas the by-law requires 7.6 m. 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 May 26, 2020.

## PRESENTATIONS

Linda Redmond, Manager of Planning and Environment reviewed comments provided by Matthieu Daoust, Junior Planner, County of Wellington, Township of Wellington North

- Planning Report dated May 21, 2020

PLANNING OPINION: The variance requested would provide relief from the required rear yard setback. The applicants are proposing to construct a detached 1-storey residential dwelling with defiant rear yard setback.

Planning Staff have no concerns with the reduction of a rear yard to 5.9m (19.35') for a new house as this setback does still provide adequate distance from the neighboring dwelling, which is also buffered by a tree line.

The Committee should be satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is desirable and appropriate for the development of the subject property and is minor.

### SUBJECT PROPERTY AND LOCATION

The property is described as Part Lot 24, RP 60R2314 PART 1, municipally known as 310 John St, Mount Forest. The subject property has an area of approximately 0.06 ha (0.15 ac) and is currently a vacant lot.

### PROPOSAL

The variance requested would provide relief from the rear yard setback requirements. The applicants are proposing to construct a detached 1-storey dwelling with a rear yard setback

of 5.9m (19.35'), whereas Section 12.1.1.6 of the By-law 66-01, as amended, requires a minimum rear yard setback of 7.6m (24.9').

#### WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated Central Business District. 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.

#### WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Residential (R2), which permits single detached residential dwellings. The applicant is proposing to construct a new single detached dwelling and requires the following variance:

Table 1	Zoning By-law (66-01)		
	Permitted	Requested	Difference
<b>Single Detached Dwelling</b>	7.6 m	5.9 m	1.7 m
Rear Yard Setback 12.2.1.6	(24.9')	(19.35')	(5.58')

Planning Staff have no concerns with the reduction of a rear yard setback to 5.9m (19.35') for a proposed detached dwelling as this distance does provide adequate separation from the neighbors dwelling.

#### CORRESPONDENCE FOR COMMITTEE'S REVIEW

Emily Vandermeulen, Risk Assessment Inspector, Wellington Source Water Protection

- Email dated May 29, 2020 (No Objection)
- Well Head Protection Area Map

Michael Oberle, Saugeen Conservation, Environmental Planning Technical

- Letter dated June 1, 2020 (No Objection)

#### REQUEST FOR NOTICE OF DECISION

A copy of the Notice of Decision will be sent to everyone on the circulation list.

#### CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

The Applicant was not present to provide comments regarding the application. No one preregistered to present comments.

#### COMMENTS/QUESTIONS FROM THE COMMITTEE

The Committee members expressed their support for this application.

## DECISION

RESOLUTION: CoA 2020-018

Moved: McCabe

Seconded: Burke

*THAT the minor variance applied for in Application A06/20, for the property described Part Lot 24, Registered Plan 60R2314, Part 1 and is Municipally known as 310 John Street, Mount Forest, Geographic Town of Mount Forest, to provide the following relief;*

1. *THAT a reduced Rear Yard Setback of 5.9m (19.35 ft) be permitted, for a proposed single detached dwelling, whereas the By-Law requires 7.6m (24.9 ft).*  
*be authorized.*

CARRIED

## ADJOURNMENT

RESOLUTION: CoA 2020-019

Moved: Hern

Seconded: Yake

*THAT the Committee of Adjustment meeting of June 8, 2020 be adjourned at 7:58 p.m.*

CARRIED

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Secretary Treasurer

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Chair