

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT
JULY 25, 2022 @ 7:00 P.M.
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/83274056238>
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: 832 7405 6238

**PAGE
NUMBER**

CALLING TO ORDER - Chairperson Lennox

DISCLOSURE OF PECUNIARY INTEREST

A16/22 James Machan

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, June 6, 2022 (A15/22)

3

Recommendation:

THAT the Committee of Adjustment meeting minutes of June 6, 2022 – A15/22 be adopted as presented.

APPLICATION

A16/22 – James Machan

THE LOCATION OF THE SUBJECT PROPERTY is described as Lots 39, 40, 41, 42; s/s Mill St., Survey Allan & Geddes, Lots 39, 40, 41; n/s Mill St., Survey Allan & Geddes, Pt George St. and Pt Mill St., Survey Allan & Geddes and is municipally known as 550 Silver Street, Mount Forest. The subject lands are approximately 0.84 ha (2.07 ac) in size. 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 frontage requirements for the severed and retained parcels created by severance application B85/21. The proposed variance will permit a reduced lot frontage of 30.2 m (99.08 ft) for both severed and retained lots, whereas the by-law requires a minimum lot frontage of 30.5 m (100.06 ft). 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 July 5th 2022.

PRESENTATIONS

Mathieu Daoust, Senior Planner and Asavari Jadhav, Junior Planner, County of Wellington, Township of Wellington North

- Planning Report dated July 20, 2022

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CORRESPONDENCE FOR COMMITTEE'S REVIEW

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Letter dated November 15, 2021 in reference to Consent Application B85-21 (No Objection)

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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 A16/22, for the property described as Lots 39, 40, 41, 42; s/s Mill St., Survey Allan & Geddes, Lots 39, 40, 41; n/s Mill St., Survey Allan & Geddes, Pt George St. and Pt Mill St., Survey Allan & Geddes and is municipally known as 550 Silver Street, Mount Forest, to provide the following relief;

1. **THAT a reduced Minimum Lot Frontage of 30.2 m (99.08 ft) be permitted, for the proposed severed and retained parcels created by severance application B84/21, whereas the By-Law requires 30.5 m (100 ft).**

ADJOURNMENT

Recommendation:

THAT the committee of adjustment meeting of July 25, 2022 be adjourned at _____.

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
JUNE 6, 2022 @ 2:00 P.M.
VIA WEB CONFERENCING <https://youtu.be/N4gSYoRd5Kc>**

Members Present:	Chairperson:	Andrew Lennox
	Members:	Sherry Burke
		Lisa Hern
		Steve McCabe
		Dan Yake
Staff Present:		
Interim Chief Administrative Officer/Chief Building Official:	Development Clerk:	Darren Jones
	Deputy Clerk:	Tammy Pringle
	Director of Finance/Treasurer:	Catherine Conrad
	Community Recreation Coordinator:	Farhad Hossain
	Human Resources Manager:	Mandy Jones
	Economic Development Officer:	Amy Tollefson
	Director of Fire Services:	Dale Small
	Manager of Development Planning:	Chris Harrow
	Senior Planner:	Curtis Marshall
		Jessica Rahim

CALLING TO ORDER - Chairperson Lennox

DISCLOSURE OF PECUNIARY INTEREST

A15/22 Marvin & Lorna Gingrich – No pecuniary interest declared

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, May 24, 2022 (A11/22, A12/22, A13/22, A14/22)

RESOLUTION: CoA 2022-015

Moved: Hern

Seconded: McCabe

THAT the Committee of Adjustment meeting minutes of May 24, 2022 – A11/22, A12/22, A13/22 & A14/22 be adopted as presented.

CARRIED

APPLICATION

A15/22 – Marvin & Lorna Gingrich

THE LOCATION OF THE SUBJECT PROPERTY is described as Concession 8 North Part Lot 6 and is municipally known as 9439 Concession 8, Wellington North. The subject lands are approximately 40 ha (98.8 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum interior side yard setback requirements for a proposed bunker silo. The proposed variances will permit a reduced side yard setback of 6.09 m (20.0 ft) whereas the by-law requires 18.3 m (60 ft) for buildings accessory 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 13, 2022.

PRESENTATIONS

Jessica Rahim reviewed the Planning Report, dated May 24, 2022 that was prepared by Jessica Rahim, Senior Planner & Asavari Jadhav, Junior Planner, County of Wellington, Township of Wellington North.

PLANNING OPINION

The variance requested is to provide relief from the minimum interior side yard setback requirements for a proposed bunker silo. The proposed variances will permit a reduced interior side yard setback of 6.09 m (20.0 ft) whereas the by-law requires 18.3 m (60 ft) for buildings accessory 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 Concession 8 North Part Lot 6 and is Municipally known as 9439 Concession 8, Wellington North. The subject property is approximately 40 ha (98.8 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 interior side yard setback requirements for a proposed bunker silo. The proposed variance will permit a reduced interior side yard setback of 6.09 m (20.0 ft) whereas the by-law requires 18.3 m (60 ft) for buildings accessory to an agricultural use.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. The proposed bunker silo is well removed from the Greenlands area regulated by the Saugeen Valley Conservation Authority (SVCA). 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 proposed bunker silo is well removed from the NE zone on the property. The applicants are proposing to construct a bunker silo that will store feed for the existing livestock barns on the property, which is considered an accessory building to the existing agricultural use.

The applicants have requested for a reduced interior side yard setback of 6.09 m (20.0 ft) in order to allow access to the bunker from the existing laneway. This location will provide operational efficiency within the existing farm building cluster on the subject property.

Therefore, the variance requested would provide relief from Section 8.2.4 d) of Zoning By-law 66-01 to allow for a reduced interior side yard setback of 6.09 m (20 ft) for a bunker silo to be constructed within the farm building cluster.

Accessory Bunker Silo	Permitted	Proposed	Difference
Interior Side Yard Setback (Section 8.2.4. d)	18.3m (60.0 ft)	6.09 m (20 ft)	12.21 m (40 ft)

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

Owner, Marvin Gingrich was present to answer questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Committee Member, Steve McCabe, inquired why the proposed bunker silo needs to be so close to the neighboring property line. Mr. Gingrich explained that it will be in line with his existing building cluster.

DECISION

CALL FOR VOTE: SHOW OF HANDS

THAT the minor variance applied for in Application A15/22, for the property described as Concession 8 North Part Lot 6, with a civic address of 9439 Concession 8, to provide the following relief;

1. THAT a reduced Interior Side Yard Setback of 6.09m (20 ft) be permitted, for a proposed bunker silo feed storage accessory building, whereas the By-Law requires 18.3m (60 ft).

APPROVED

ADJOURNMENT

RESOLUTION: CoA 2022-016

Moved: McCabe

Seconded: Burke

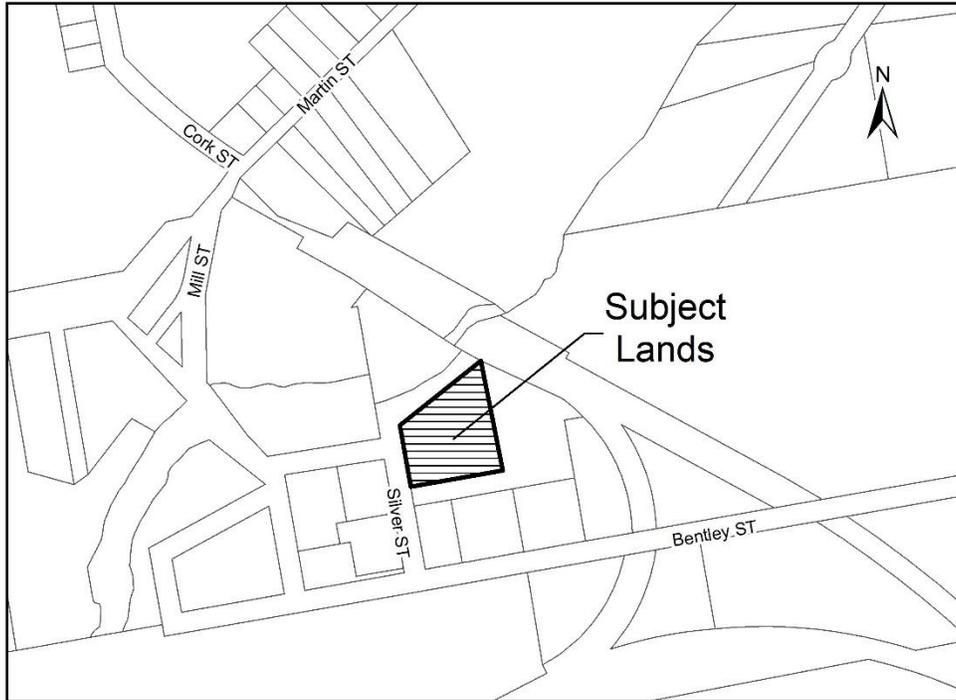
THAT the committee of adjustment meeting of June 6, 2022 be adjourned at 2:31 pm.

CARRIED

Alternate Secretary Treasurer

Chair

JAMES MACHAN





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

July 20th, 2022

Mr. Darren Jones, CAO
Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

Re: **Minor Variance Application A16/22**
550 Silver Street, Mount Forest
James Brian Machan

We have reviewed the application for minor variance and provide the following comments.

Planning Opinion: The variance requested would provide relief from the minimum lot frontage requirements. This variance is associated with consent application B85/21, that was granted provisional approval by the Wellington County Land Division Committee. The subject lands are approximately 0.84 ha (2.07 ac) in size and has an existing dwelling and a shed.

We have no concerns with the relief requested. We 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 Lots 39, 40, 41, 42; s/s Mill St., Survey Allan & Geddes, Lots 39, 40, 41; n/s Mill St., Survey Allan & Geddes, Pt George St. and Pt Mill St., Survey Allan & Geddes and is municipally known as 550 Silver Street, Mount Forest. The property is approximately 0.84 ha (2.07 ac) in size. The location is shown on Figure 1.

PROPOSAL

The purpose of this application is to provide relief from the minimum lot frontage requirements. This variance is associated with consent application B85/21, that was granted provisional approval by the Wellington County Land Division Committee.



Figure 1. 2020 Aerial photo

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is located in the Urban Center of Mount Forest and designated as FUTURE DEVELOPMENT in the County Official Plan. 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 Unserviced Residential (R1A). The subject property is approximately 0.84 ha (2.07 ac) in size and has an existing dwelling and a shed. The variance requested is to satisfy a condition of severance application B85/21, that was granted provisional approval by the Wellington County Land Division Committee.

The variance requested would provide relief from Section 9.2.2 of Zoning By-law 66-01 for the severed and retained parcels created by severance application B85/21:

Regulation Minimum lot Frontage (Section 9.2.2)	Minimum Required	Proposed	Difference
Severed and Retained parcels	30.50 m (100.0 ft)	30.20 m (99.08 ft)	0.30 m (0.92 ft)

The variance requested is to satisfy a condition of severance application B85/21, that was granted provisional approval by the Wellington County Land Division Committee. 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,



Asavari Jadhav
Junior Planner



Matthieu Daoust, RPP MCIP
Senior Planner



1078 Bruce Road 12, P.O. Box 150, Formosa ON Canada N0G 1W0
Tel 519-367-3040, Fax 519-367-3041, publicinfo@svca.on.ca, www.svca.on.ca

SENT ELECTRONICALLY ONLY: debt@wellington.ca

November 15, 2021

County of Wellington Planning and Land Division Committee
Wellington County Administration Centre
74 Woolwich Street
Guelph, Ontario N1H 3T9

ATTENTION: Deborah Turchet, Secretary – Treasurer

Dear Ms. Turchet,

RE: Application for Consent B85-21 (Machan)
550 Silver Street
Roll No.: 234900000606705
Geographic Town of Mount Forest
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 3.1 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). SVCA staff has also provided comments as per our Memorandum of Agreement (MOA) with the County of Wellington representing natural hazards, and natural heritage; and the application has been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Member approved Environmental Planning and Regulations Policies Manual, amended October 16, 2018.

Purpose

The proposed application would create a severed and a retain urban residential lot.

Background

SVCA staff provided pre-submission consultation comments to the owner/applicant regarding the proposal on March 30, 2016. SVCA staff completed a site inspection to the property at that time. On May 31, 2021 the owner/applicant contacted the SVCA to determine if those 2016 comments were still applicable. On June 24, 2021 SVCA staff informed the owner/applicant that the March 0, 2016 SVCA comments for the property were still valid.

Recommendation

The consent to sever land is generally acceptable to SVCA staff.



County of Wellington Planning & Land Division Committee
Application for Consent B85-21 (Machan)
November 15, 2021
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Delegated Responsibility and Advisory Comments

SVCA staff has reviewed the application through our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020). We have also reviewed the application through our responsibilities as a service provider to the County of Wellington in that we provide expert advice and technical clearance on *Planning Act* applications with regards to natural hazards, and natural heritage as set out in the PPS, 2020, County Official Plan (OP) and/or local official plans. Comments below only include features/technical requirements affecting the property.

Natural Hazards:

The natural hazard feature affecting the property is the floodplain of the South Saugeen River. The floodplain in Mount Forest has been established via engineered floodplain mapping. A small area in the northwestern portion of the property is within the floodplain. Please see the attached SVCA mapping dated November 15, 2021 for the property. However, it appears that Schedule A6-1 Mount Forest of the County of Wellington Official Plan (OP) does not show any of the property within the Regulatory Floodplain. Similarly, it appears that Schedule A-3 of the Township of Wellington North Zoning By-law does not map the floodplain on the property as NE zone. Therefore, SVCA staff would recommend that at the next update to the OP and zoning schedule, that the Regulatory Floodline and NE zone be revised to reflect SVCA mapping for the property. SVCA does not require a condition of consent to implement the mapping change. Based on the sketch submitted with the application, there is sufficient space on the parcel to be severed that is beyond the floodplain in order to achieve safe access from the roadway to the property, as well as a location for building envelope on the parcel to be severed.

Provincial Policy Statement – Section 3.1

Section 3.1 of the PPS, 2020 states in part that development shall generally be directed to areas outside of: b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding and erosion hazards; and c) hazardous sites. It is the opinion of SVCA staff that the application complies with Section 3.1. of the PPS, 2020.

Wellington County OP Policies

Section 5.4.3 of the Wellington County OP generally directs development to be located outside of Hazardous Lands. It is the opinion of SVCA staff that, based on the proposal, the application is consistent with Wellington County OP policies as a sufficient area exists for residential development on both the parcel to be severed and the parcel to be retained.

Natural Heritage:

As part of SVCA staff's desktop review, the following significant natural heritage features were identified as affecting the property: fish habitat, and significant woodlands.

Provincial Policy Statement – Section 2.1

Section 2.1 of the PPS, 2020 states in part that development shall not be permitted in fish habitat, and significant woodlands, and the adjacent lands to the above referenced features, except in accordance with Policies found in Section 2.1.

County of Wellington Planning & Land Division Committee
Application for Consent B85-21 (Machan)
November 15, 2021
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Wellington County OP Policies

Fish Habitat

As mentioned above, the South Saugeen flows on lands adjacent to the property. The watercourse is considered fish habitat by SVCA staff, and section 5.4.2 of the Wellington County OP is applicable. However, based on the application, it is the opinion of SVCA staff that impacts to fish habitat will be negligible, therefore the preparation of an Environmental Impact Study (EIS) to address the fish habitat is not recommended at this time.

Significant Woodlands

Significant woodlands are included in the Core Greenlands and Greenlands designation and are shown on Schedule A6-1 Mount Forest of the Wellington County OP in accordance with section 5.5.4 of the Wellington County OP. The woodlands on lands adjacent to the property are considered significant woodlands. However, based on the application, it is the opinion of SVCA staff that impacts to significant woodlands will be negligible, therefore the preparation of an EIS to address the significant woodlands is not recommended at this time.

Statutory Comments

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 CA Act, 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.

the northwestern portion of the property is within the SVCA Approximate Regulated Area associated with Ontario Regulation 169/06. As such, development and/or site alteration within the SVCA Approximate Regulated Area requires the permission from SVCA, prior to work commencing. For the property, the SVCA Approximate Regulated Area is identifying the South Saugeen River, its floodplain, and an offset distance of 15 metres outwards from the floodplain edge.

"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.

SVCA Permission for Development or Alteration

County of Wellington Planning & Land Division Committee
Application for Consent B85-21 (Machan)
November 15, 2021
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Development or alteration including construction, reconstruction, conversion, grading, filling or excavation within the SVCA Approximate Regulated Area will require permission (SVCA Permit) prior to those works commencing. Prior to development proposed on the severed parcel, the owner should contact SVCA staff (Michael Oberle: m.oberle@svca.on.ca) and provide a site plan sketch for SVCA review. We note that based on the sketch submitted with the application, a proposed laneway will be located within the SVCA Regulated Area and will require an SVCA permit, but based on the sketch submitted, the proposed dwelling and sewage disposal system location will be located beyond/outside the SVCA Regulated Area, and so a permit from the SVCA will not be required for the dwelling or sewage disposal system.

Summary

SVCA staff has reviewed the application as per our mandated responsibilities for natural hazard management, including our regulatory role under the *Conservation Authorities Act*.

The proposed consent to sever land is generally acceptable to SVCA staff.

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

- 1) Consistency with Section 3.1, Natural Hazard policies of the PPS, 2020 has been demonstrated;
- 2) Consistency with Section 2.1, Natural Heritage policies of the PPS, 2020 has been demonstrated; and
- 3) Consistency with local planning policies for natural hazards and natural heritage has been demonstrated.

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

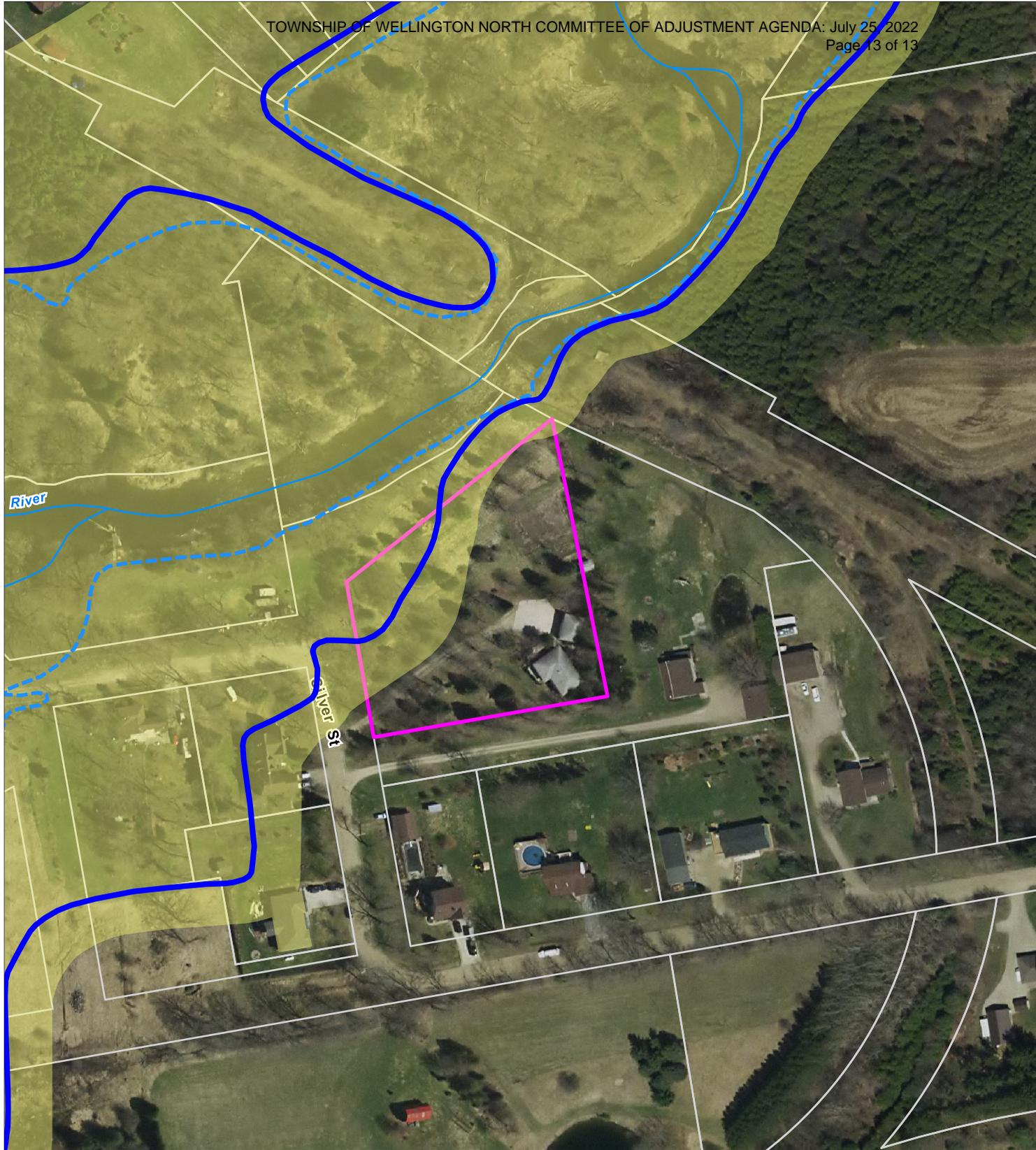
Sincerely,



Michael Oberle
Environmental Planning Technician
Saugeen Conservation
MO/

Enclosure: SVCA map

cc: Jana Poechman, Wellington County (via email)
James Machan, owner (via email: jsmachan57@gmail.com)
Greg Ford, Wilson-Ford Surveying and Engineering, agent (via email)
Steve McCabe, SVCA Authority Member for Wellington North and Minto (via email)



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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 UTM Zone 17N, NAD 83

1:2000

Legend	
	SVCA Approximate Regulated Area
	100 Year Flood Line
	Regulatory Flood Line
	Watercourse
	approximate subject property
	Parcel Fabric

B85-21 (Machan)
 550 Silver Street
 Roll No.: 234900000606705
 Township of Wellington North
 November 15, 2021