

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, FEBRUARY 26, 2018 – 7:00 P.M.
A08/18 AND A09/18**

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

Members Present:

**Chairman: Andrew Lennox
Sherry Burke
Lisa Hern
Dan Yake**

Absent:

Steve McCabe

Staff Present:

Director of Legislative Services/Clerk:	CAO: Michael Givens
Deputy Clerk:	Karren Wallace
Director of Finance and Treasury:	Catherine Conrad
Economic Development Officer:	Adam McNabb
Fire Chief:	Dale Small
Senior Planner:	David Guilbault
	Curtis Marshall

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 2018-13

Moved by: Member Yake

Seconded by: Member Hern

THAT the Committee of Adjustment meeting minutes of February 12, 2018 – A01/18, A02/18, A03/18, A04/18, A05/18, A06/18 and A07/18 be adopted as presented.

CARRIED

APPLICATION A08/18

Owners/Applicant: Paul Duxbury and Christine Deforest

The location of the subject property is described as Lot 30, Concession 3 Registered Plan 60R-3473 (geographic Township of West Garafraxa), with a civic address of 7377 Second Line. The subject land is approximately 0.4 ha (0.98 acres).

The purpose and effect of the application is to provide relief from the maximum floor area requirements for an accessory structure. The applicants are proposing to construct a new detached garage for storage that exceeds the permitted size. Other variances may be considered where deemed appropriate.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and signage posted on the subject property on February 15, 2018 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed comments prepared by the County of Wellington Planning and Development Department, dated February 20, 2018.

The Committee was advised the comments were formulated without the benefit of a site visit.

Planning Opinion As request, the variance would provide relief from the maximum floor area requirements for an accessory building on the subject property. The applicants are proposing to construct a new detached garage for storage which when combined with the existing garden shed exceed the maximum permitted size.

The Planner had no concerns with the size of the proposed structure 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. In addition, the Committee should be satisfied that the proposed accessory building is intended for personal use and not for commercial purposes. A condition of this nature may be warranted.

SUBJECT PROPERTY AND LOCATION: is described as Lot 30, Concession 3 R 60R-3473 (geographic Township of West Garafraxa), with a civic address of 7377 Second Line. The subject land is approximately 0.4 ha (0.98 acres) with an existing single dwelling and garden shed.

PROPOSAL

The purpose of this application is to provide relief from the maximum floor area requirements for an accessory building on the subject property. The applicants are proposing to construct a new 116.5 m² (1255 ft²) detached garage for storage in addition to the existing garden shed that when combined exceeds the maximum permitted size by 35.5 m² (383 ft²).

WELLINGTON COUNTY OFFICAL PLAN The subject property is designated PRIMARY AGRICULTURAL. 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), which permits accessory uses. The applicant is proposing to construct a detached accessory building to store their motor home and replace the truck trailer, which is to be removed from their property. There is an existing 11.89m² (128 ft²) garden shed, which is included in the lot coverage for all accessory buildings on the lot. The following relief is requested:

Single Detached Dwelling	Required	Proposed	Difference
Maximum Lot Coverage for all Accessory Buildings (Section 6.1.4)	93m ² (1000 ft ²)	128.5 m ² (1383 ft ²)	35.5 m ² (383 ft ²)

The proposed structure would meet all other height and building setbacks.

CORRESPONDENCE/COMMENTS RECEIVED

No correspondence received.

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 applicants were present to answer any questions regarding their application. The applicants confirmed that the total size requested is for the proposed garage (1,255 ft²) and the garden shed (128 ft²).

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

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

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions from the Committee.

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 2018-14

Moved by: Member Hern

Seconded by: Member Yake

THAT the minor variance applied for in Application A08/18, for the property described as Part Lot 30, Concession 3, RP 60R-3473, geographic West Garafraxa (7377 Second Line) to provide the following relief:

- 1. THAT a total ground floor area for accessory structures of 128.5 m² (1383 ft²) be permitted, whereas section 6.1.4. of the By-law permits a total maximum ground floor area of 93 m² (1000 ft²) for personal use only and not for commercial purposes.*

be authorized.

CARRIED

APPLICATION A09/18

Owners/Applicant: Donald Weber

The location of the subject property is described as Lot 10, Concession 2 (geographic Township of West Luther), with a civic address of 8487 Wellington Rd 16. The subject land is approximately 20.23 ha (50 acres).

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 a new barn and manure storage area and cannot meet the minimum distance required to the surrounding Type A uses. Other variances may be considered where deemed appropriate.

NOTICE OF THIS MEETING was mailed to property owners within 60 m of the subject property as well as the applicable agencies and signage posted on the subject property on February 15, 2018 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed comments prepared by the County of Wellington Planning and Development Department, dated February 20, 2018.

The Committee was advised that these comments were formulated without the benefit of a site visit.

Planning Opinion The variance requested would permit the construction of a new swine barn and manure storage tank. The location of the proposed barn and manure storage does not meet the minimum distance separation (MDS II) from the surrounding Type A uses. MDS II is not achievable on this property due to the shallow depth of the lot resulting in limited location for the proposed barn and the applicants desire to keep the barn in close proximity to the farmhouse.

The Planner has no concerns with the relief requested for the new barn and manure storage. The location of the proposed new barn and manure storage provides operational efficiency. The structures are proposed to be built to the rear of the subject property while minimizing impact on the agricultural field. 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 land is described as Lot 10, Concession 2 (geographic Township of West Luther), with a civic address of 8487 Wellington Rd 16. The subject land is approximately 20.23 ha (50 acres) with a single family dwelling and shed.

PROPOSAL

The purpose of the application is to provide relief from the Minimum Distance Separation 2 (MDS 2) setback requirements. The applicant is proposing a new barn and manure storage tank and cannot meet the minimum distance required to the surrounding Type A uses.

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 #37 of the MDS Implementation Guidelines outlines ...schools to primarily serve a community which relies on horse-drawn vehicles as a predominate mode of transportation shall be considered as Type A land uses for the purpose of both MDSI and MDSII. Planning Staff understand that the parochial school located at 8476 Wellington Road 16 meets this guideline and therefore may be considered a Type A land use. 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 proposed barn is outside the GREENLANDS Significant

Wooded Area. 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). The location of the proposed new barn and manure tank does not meet the minimum distance separation (MDS II) from the surrounding Type A uses. In order to keep the proposed barn and manure tank away from neighbours across the street and out of the farmed area, but also in proximity to the farm dwelling on the lot, the proposed location is appropriate. Planning Staff note that the applicant has requested for MDS II setbacks to the property line of the parochial school rather than the existing school building. The requirements under the MDS Guidelines for a Type A use request for a setback to the existing building as appose to the property line. The following relief is required:

8476 WCR 16 Lutherwood Parochial School	Required	Proposed	Difference
New Swine Barn MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	342 m (1,124 ft.)	259 m (850 ft.)	83 m (274 ft.)
Manure Storage Tank MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	408 m (1,339 ft.)	290 m (950 ft.)	118 m (289 ft.)

8492 WCR 16 Weber House	Required	Proposed	Difference
New Swine Barn MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	342 m (1,124 ft.)	256 m (840 ft.)	86 m (284 ft.)
Manure Storage Tank MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	408 m (1,339 ft.)	256 m (840 ft.)	152 m (499 ft.)

CORRESPONDENCE/COMMENTS RECEIVED

- None

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 to answer any questions regarding their application.

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

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

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions from the Committee.

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 2018-15

Moved by: Member Yake

Seconded by: Member Hern

THAT the minor variance applied for in Application A09/18, for the property described as Part Lot 10, Concession 2, Geographic West Luther (8487 Wellington Road 16), to provide the following relief:

- 1. THAT an MDS II Setback to a Type A Land Use of 256 m (840 ft.) for a new swine barn be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 342 m (1,124 ft.).*
- 2. THAT an MDS II Setback to a Type A Land Use of 256 m (840 ft.) for a manure tank be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 408 m (1,339 ft.).*

be authorized:

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2018-16

Moved by: Member Hern

Seconded by: Member Yake

THAT the Committee of Adjustment meeting of February 26, 2018 be adjourned at 7:46 p.m.

CARRIED

Secretary Treasurer

Chair