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## Committee of Adjustment

Monday, February 26<sup>th</sup>, 2018

7:00 p.m.

Municipal Office Council Chambers, Kenilworth

### AGENDA

AGENDA ITEM	PAGE NO.
<b><u>CALLING TO ORDER</u></b>	
- Chairman Lennox	
<b><u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u></b>	
<b><u>MINUTES OF PREVIOUS MEETING(S)</u></b>	
Committee of Adjustment, February 12 <sup>th</sup> , 2018 (A01-18 to A07-18)	001
<b><u>APPLICATION A08-18</u></b>	
<b><u>OWNERS/APPLICANT</u></b>	
- Paul Duxbury and Christine Deforest	
<b><u>LOCATION OF THE SUBJECT LAND</u></b>	
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 location of the property is shown on the map attached.	025

AGENDA ITEM	PAGE NO.
<p data-bbox="188 321 1024 359"><b><u>PURPOSE AND EFFECT OF THE APPLICATION</u></b></p> <p data-bbox="188 401 1271 579">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.</p> <p data-bbox="188 621 659 659"><b><u>SECRETARY TREASURER</u></b></p> <p data-bbox="188 701 1271 806">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 15<sup>th</sup>, 2018.</p> <p data-bbox="188 848 505 886"><b><u>PRESENTATIONS</u></b></p> <p data-bbox="188 928 634 995">Curtis Marshall, Senior Planner - See attached comments</p> <p data-bbox="188 1037 1073 1075"><b><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></b></p> <p data-bbox="188 1117 272 1146">None.</p> <p data-bbox="188 1188 862 1226"><b><u>REQUEST FOR NOTICE OF DECISION</u></b></p> <p data-bbox="188 1268 1271 1335">Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p data-bbox="188 1377 854 1457"><b><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></b></p> <p data-bbox="188 1499 1271 1566">Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p data-bbox="188 1608 1271 1675">Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p data-bbox="188 1717 1073 1755"><b><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></b></p>	<p data-bbox="1349 961 1409 991">026</p>

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<p><b><u>APPLICATION A09-18</u></b></p> <p><b><u>OWNERS/APPLICANT</u></b></p> <ul style="list-style-type: none"><li>- Donald Weber</li></ul> <p><b><u>LOCATION OF THE SUBJECT LAND</u></b></p> <p>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 location of the property is shown on the map attached.</p> <p><b><u>PURPOSE AND EFFECT OF THE APPLICATION</u></b></p> <p>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.</p> <p><b><u>SECRETARY TREASURER</u></b></p> <p>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 15<sup>th</sup>, 2018.</p> <p><b><u>PRESENTATIONS</u></b></p> <p>Curtis Marshall, Senior Planner</p> <ul style="list-style-type: none"><li>- See attached comments</li></ul>	<p>028</p>
<p><b><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></b></p> <p>None.</p> <p><b><u>REQUEST FOR NOTICE OF DECISION</u></b></p> <p>Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p>	<p>029</p>

AGENDA ITEM	PAGE NO.
<p data-bbox="188 279 850 359"><b><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></b></p> <p data-bbox="188 401 1266 470">Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?</p> <p data-bbox="188 512 1266 581">Are there any persons present who wish to make oral and/or written submissions against this application?</p> <p data-bbox="188 623 1073 663"><b><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></b></p> <p data-bbox="188 709 480 749"><b><u>ADJOURNMENT</u></b></p>	



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**The location of the subject property** is described as Part 1 of Park Lots 1 & 2, MaCaulay Street South, geographic Village of Arthur, 510 Eliza Street, Arthur. The subject land is approximately 2 ha. (5.09 acres).

**The purpose and effect** of the application is provide relief from the by-law to permit a private well and septic system on the subject property within the urban area of Arthur. The applicant wishes to construct the well and septic system to service a proposed shop/office on the property. 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 posted on the subject property on January 29, 2018 pursuant to the provisions of the Planning Act.

### **PRESENTATION**

Linda Redmond, Manager of Planning and Environment, reviewed comments prepared by the County of Wellington Planning and Development Department, dated February 6, 2018.

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

**Planning Opinion:** The variance requested would provide relief from Section 6.8 of the by-law to permit the construction of a private well and septic system in the urban area of Arthur. The applicant is proposing to construct a shop/office building on private well and septic system as there are no municipal services available to hook up to at this time.

We have no concerns with the relief requested for private well and septic system services within the urban area. 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. Staff recommends that the applicant connect to municipal services when they become available in front of the property.

### **SUBJECT PROPERTY AND LOCATION**

The location of the subject property is described as Part 1 of Park Lots 1 & 2, MaCaulay Street South (geographic Township of Arthur), with frontage on Eliza Street, Arthur. The subject land is vacant and approximately 2 ha (5.09 acres).

### **PROPOSAL**

The purpose of this application is to provide relief from the by-law to permit a private well and septic system on the subject property within the urban area of

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Arthur. The applicant wishes to construct the well and septic system to service a proposed business on the property.

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated INDUSTRIAL. 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.

Section 11.2.4 gives consideration to individual on-site servicing for new development in an urban centre, stating that “Individual on-site servicing is not allowed in urban centres which have central systems except: ...ii) to allow a small scale use on an existing lot in an area where central services are not reasonably anticipated.

**TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW**

The subject property is zoned Industrial (M1) with a Holding Provision (H). The M1(H) zone limits permitted uses to agricultural, existing residential and accessory uses until such time that services are available. In order to permit the proposed contractor yard and associated office use the (H) will have to be lifted. This will require a future zone amendment.

At this time, the application is required in order to permit the development of the site with private septic system and well. As such, the following variance is required; Relief from Section 6.8 to allow development on the site to be serviced by private septic system and well.

**CORRESPONDENCE/COMMENTS RECEIVED**

Barry Trood, Superintendent Water & Wastewater Services, Wellington North

- No concerns

Pasquale Costanzo, CET, Engineering Technologist, Engineering Services Department, Wellington County

- No objection

**REQUEST FOR NOTICE OF DECISION**

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

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**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 not present. No persons were present to make oral and/or written submissions in support of the proposed minor variance.

- 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**

There were 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 2018-05**

Moved by: Member Yake

Seconded by: Member McCabe

*THAT the minor variance applied for in Application A1/18, for the property described as Part 1 of Park Lots 1 & 2, MaCaulay Street South, geographic Arthur Village, with frontage on Eliza Street, Arthur, to provide the following relief:*

1. *Relief from Section 6.8 of the by-law to allow development on the site to be serviced by private septic system and well*

*be authorized.*

**CARRIED**

**APPLICATION A02/18**

**Owners/Applicant: Donald and Kimberly Martin**

**The location of the subject property** is described as Lot 29, Concession 3, geographic Township of West Garafraxa, with a civic address of 7319 Second Line. The subject land is approximately 38.4 ha. (95 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



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proposing a new barn and cannot meet the minimum distance required to the surrounding neighbouring dwellings. 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 posted on the subject property on January 29, 2018 pursuant to the provisions of the Planning Act.

### **PRESENTATION**

Linda Redmond, Manager of Planning and Environment, reviewed comments prepared by the County of Wellington Planning and Development Department, dated February 6, 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 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 neighbours dwellings. MDS II is not achievable on this property due to the setback requirements to the GRCA restricted wetlands as well as the functionality of keeping the new barn with the existing farm cluster.

We have no concerns with the relief requested for the new barn. The location of the proposed new barn provides operational efficiency. The structures are proposed to be built at the rear of the existing farm building cluster which is furthest from the neighbouring home. 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 Lot 29, Concession 3 (geographic Township of West Garafraxa), with a civic address of 7319 Second Line. The subject land is approximately 38.4 ha (95 acres) and is occupied by a farming operation including dwelling barns and equipment shed.

### **PROPOSAL**

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirements from the surrounding neighbours dwellings for a proposed new swine finishing barn.

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**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, CORE GREENLANDS, GREENLANDS. The farm building cluster is well removed from the CORE GREENLANDS AND 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 new barn and manure tank within the barn does not meet the minimum distance separation (MDS II) from the surrounding neighbours dwellings. The following relief is required:

<b>1. Ashley Residence- 7337 Second Line</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>New Swine Finishing Barn and Manure Tank</b> MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	538 m (1,766 ft.)	309 m (1015 ft.)	229 m (751 ft.)

<b>2. Bauman Residence- 7322 Second Line</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>New Swine Finishing Barn and Manure Tank</b> MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	538 m (1,766 ft.)	183 m (600 ft.)	355 m (1,166 ft.)

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<b>3. Eby Residence- 7289 Second Line</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>New Swine Finishing Barn and Manure Tank</b> MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	538 m (1,766 ft.)	366 m (1,200 ft.)	172 m (566 ft.)

<b>4. Diefenbacher Residence- 7286 Second Line</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>New Swine Finishing Barn and Manure Tank</b> MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	538 m (1,766 ft.)	427 m (1,400 ft.)	111 m (366 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.

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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 2018-06**

Moved by: Member McCabe

Seconded by: Member Yake

*THAT the minor variance applied for in Application A2/18, for the property described as Lot 29, Concession 3, geographic Township of West Garafraxa, with a civic address of 7319 Second Line, to provide the following relief:*

1. *THAT an MDS II Setback to a Type A Land Use of 309 m (1015 ft.) for a new swine finishing barn and manure tank be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 538 m (1766 ft.).*

*be authorized.*

**CARRIED**

**APPLICATION A3/18**

**Owners/Applicant: John and Mary Beth VanVeen**

**The location of the subject property** is described as Lot 17, Concession 3, geographic Township of Arthur, with a civic address of 8978 Concession 2. The subject land is approximately 38.4 ha. (95 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 neighbour's dwellings. 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 posted on the subject property on January 29, 2018 pursuant to the provisions of the Planning Act.

**PRESENTATION**

Linda Redmond, Manager of Planning and Environment, reviewed comments prepared by the County of Wellington Planning and Development Department, dated February 6, 2018.

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

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**Planning Opinion:** The variance requested would permit the construction of a new swine nursery barn and manure pit to grow the existing operation. The location of the proposed barn does not meet the minimum distance separation (MDS II) from the surrounding neighbours dwellings. MDS II is not achievable on this property due to topography and setbacks from the wetland limits.

We have no concerns with the relief requested for the new barn. The location of the proposed new barn provides operational efficiency. The structures are proposed to be built at the rear of the existing farm building cluster. 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 Lot 17, Concession 3 (geographic Township of Arthur), with a civic address of 8978 Concession 2. The subject land is approximately 39.5 ha (97.6 acres) and is occupied by a farming operation including a dwelling and century bank barn.

**PROPOSAL**

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirements from the surrounding neighbours dwellings for a proposed new nursery barn and manure pit.

**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.

The subject property is designated PRIME AGRICULTURAL AND CORE GREENLANDS. The farm building cluster is well removed from the CORE 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.

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**TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW**

The subject property is zoned Agricultural (A) and Natural Environment (NE). The location of the proposed new barn and manure storage do not meet the minimum distance separation (MDS II) from the neighbour's dwellings.

The following reliefs are required:

<b>8990 Concession 2 - Mobile Home</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>New Swine Barn</b> MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	275 m (901 ft.)	218 m (715 ft.)	57 m (186 ft.)
<b>Manure Storage Area</b> MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	347 m (1,139 ft.)	209 m (685 ft.)	138 m (454 ft.)

<b>8990 Concession 2 -Main Dwelling</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Manure Storage Area</b> MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	347 m (1,139 ft.)	270 m (885 ft.)	77 m (254 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. Dale and Eleanor Gallo-Hendrixx, 8990 Concession 2, supported the application.

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- 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 2018-007**

Moved by: Member Yake

Seconded by: Member McCabe

*THAT the minor variance applied for in Application A3/18, for the property described as Lot 17, Concession 3, geographic Township of Arthur, with a civic address of 8978 Concession 2, to provide the following relief:*

1. *THAT an MDS II Setback to a Type A Land Use of 218 m (715 ft.) for a new swine barn be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 275 m (901ft.).*
2. *THAT an MDS II Setback to a Type A Land Use of 270 m (885 ft.) for a manure tank be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 347 m (1139 ft.).*

*be authorized*

**CARRIED**

**APPLICATION A4/18**

**Owners/Applicant: Antonio and Anna Gouveia**

**The location of the subject property** is described as Lot 16, Concession 1, geographic Township of Arthur, with a civic address of 9008 Wellington Road 14. The subject land is approximately 38.65 ha. (95.5 acres).

The purpose and effect of the application is to provide relief for an increased floor area of an accessory structure on the property. The applicant is requesting permission to recognize the existing 2,100 sq ft accessory structure. This variance is a condition of severance application B117/17, that was granted

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provisional approval by the Wellington County Land Division Committee. The applicant is also requesting permission to construct a new 5,000 sq ft accessory structure with the understanding that it will replace the existing 2,100sq ft accessory structure. 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 posted on the subject property on January 29, 2018 pursuant to the provisions of the Planning Act.

**PRESENTATION**

Linda Redmond, Manager of Planning and Environment, reviewed comments prepared by the County of Wellington Planning and Development Department, dated February 6, 2018.

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

**Planning Opinion:** The variance requested is to provide relief for an increased floor area of an accessory structure on the property. The applicant is requesting permission to recognize the existing 2,100 sq ft accessory structure, where the by-law permits a 1,200 sq ft accessory structure on the proposed new lot size. This variance is a condition of consent application B117/17, that was granted provisional approval by the Wellington County Land Division Committee on December 13, 2017. The applicant is also requesting permission to construct a new 5,000 sq ft accessory structure with the understanding that it will replace the existing 2,100 sq ft accessory structure.

We have no concerns with the size of the existing 2,100 sq ft structure and are satisfied that the existing structure maintains the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property. However, it is Planning Staff's opinion that the proposed 5000 sq ft shed is too large and is not "accessory", "incidental" or "subordinate" to the main dwelling as required under the definition of an accessory building in the Zoning By-law. The proposed shed is four times larger than permitted by the By-law, which is not minor in nature.

**SUBJECT PROPERTY AND LOCATION**

The location of the subject property is described as Lot 16, Concession 1 (geographic Township of Arthur), with a civic address of 9008 Wellington Road 14. The subject land is approximately 38.62ha (95.5 acres). The location of the property is shown on Figure 1 below.



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**PROPOSAL**

The purpose of this application is to provide relief for an increased floor area of an accessory structure on the property. The applicant is requesting permission to recognize the existing 2,100 sq ft accessory structure. This variance is a condition of severance application B117/17, that was granted provisional approval by the Wellington County Land Division Committee. The applicant is also requesting permission to construct a new 5,000 sq ft accessory structure with the understanding that it will replace the existing 2,100sq ft accessory structure.

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated PRIME 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) and Natural Environment (NE). The applicants are proposing to recognize the existing accessory building as a condition of consent application. The new lot is proposing to go from 95.5 ac (38.65 ha) to 3.7 ac (1.5 ha) which allows for a 111.48 sq m (1,200 sq ft) accessory building and there is an existing 195 sq m (2,100 sq ft). With the reduced lot size the existing 195 sq m (2,100 sq ft) drive shed will be 83.5 sq m (900 sq ft) larger than the permitted accessory structure size, which is a 75% increase from the permitted size. The applicant are also proposing a new 464.5 sq m (5000 sq ft) shed to replace the existing 195 sq m (2100 sq ft) shed in the near future. The following relief is requested:

<b>Accessory Structure</b>	<b>Permitted</b>	<b>Proposed</b>	<b>Difference</b>
<b>Existing Accessory Structure</b> Maximum Ground Floor Area (Section 6.1.4 b)	111.5 m <sup>2</sup> (1200 ft <sup>2</sup> )	195 m <sup>2</sup> (2100 ft <sup>2</sup> )	83.5 m <sup>2</sup> (900 ft <sup>2</sup> )
<b>Proposed Accessory Structure</b> Maximum Ground Floor Area (Section 6.1.4 b)	111.5 m <sup>2</sup> (1200 ft <sup>2</sup> )	464.5 m <sup>2</sup> (5000 ft <sup>2</sup> )	353 m <sup>2</sup> (3800 ft <sup>2</sup> )

**CORRESPONDENCE/COMMENTS RECEIVED**

None

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, FEBRUARY 12, 2018 – 2:00 P.M.  
A01/18, A02/18, A03/18, A04/18, A05/18, A06/18, A07/18**

**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's agent, Ross Chaulk, was present to answer any questions regarding their application. He informed the Committee that the severed land is being sold to Brian Smith, owner of the land to the south of the subject property. His clients want to build a new house in the location of the current shed. They would be willing to reduce the size of the shed and suggested 3,500 sq. ft.

- 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**

Councillor McCabe questioned what the shed is going to be used for. Mr. Chaulk stated that the shed will be used for personal storage and season storage of work related equipment.

Ms Redmond suggested the Committee may wish to consider restrictions regarding the height of the proposed shed.

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 2018-08**

Moved by: Member McCabe

Seconded by: Member Hern

*THAT the minor variance applied for in Application A4/18, for the property described as Lot 16, Concession 1, geographic Township of Arthur, with a civic address of 9008 Wellington Road 14, to provide the following relief:*

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COMMITTEE OF ADJUSTMENT  
MONDAY, FEBRUARY 12, 2018 – 2:00 P.M.  
A01/18, A02/18, A03/18, A04/18, A05/18, A06/18, A07/18**

1. *THAT the total ground floor area of the existing accessory structure of 195 m<sup>2</sup> (2100 ft<sup>2</sup>) be permitted, whereas section 6.1.4 b) of the By-law permits a total maximum ground floor area of 111.5 m<sup>2</sup> (1200 ft<sup>2</sup>) for a lot this size; and*
2. *THAT a total ground floor area for a proposed accessory structure of 325.2 m<sup>2</sup> (3,500 ft<sup>2</sup>) be permitted, whereas section 6.1.4 b) of the By-law permits a total maximum ground floor area of 111.5 m<sup>2</sup> (1200 ft<sup>2</sup>) for a lot this size, with a maximum building height of 6.7 m (22 ft.) whereas Section 6.1.3 of the by-law requires 4.5 m (14.8 ft.).*

*be authorized with the following condition(s):*

- *That the existing accessory structure be removed prior to the issuance of a building permit for the proposed accessory structure;*
- *That the structure to be constructed shall be one story.*

**CARRIED**

### **APPLICATION A5/18**

**Owners/Applicant: Stanley Martin**

**The location of the subject property** is described as Part Lot 19 & 20, Concession 10, geographic Township of Arthur, with a civic address of 8901 Concession 11. The subject land is approximately 0.83 ha. (2 acres).

**The purpose and effect** of the application is to provide relief from the maximum ground floor area and minimum setback requirements for a hobby barn on a lot equalling 0.8 ha (2.0 ac). The applicant is requesting permission to construct a 178.37 m<sup>2</sup> (1,920ft<sup>2</sup>) hobby barn with a rear yard setback of 6m (20ft). Other variances may be considered where deemed necessary.

**NOTICE OF THIS MEETING** was mailed to property owners within 60 m of the subject property as well as the applicable agencies and posted on the subject property on January 29, 2018 pursuant to the provisions of the Planning Act.

### **PRESENTATION**

Linda Redmond, Manager of Planning and Environment, reviewed comments prepared by the County of Wellington Planning and Development Department, dated February 6, 2018.

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

**Planning Opinion:** The variance requested would provide relief from the maximum floor area and setback requirements for a hobby barn on a rural

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, FEBRUARY 12, 2018 – 2:00 P.M.  
A01/18, A02/18, A03/18, A04/18, A05/18, A06/18, A07/18**

residential lot. The applicant is proposing to construct a new hobby barn with a floor area of 178.37m<sup>2</sup> (1,920 ft<sup>2</sup>) and a rear yard setback of 6 m (20 ft).

The proposal is to house up to 20 horses on a temporary period only. The closest dwelling is located over 700 ft from the proposed hobby barn and the property is surrounded by agricultural land. We have no concerns with the application as it generally maintains the intent and purpose of the Official Plan and Zoning By-law as the lands are located within an agricultural area and zoned accordingly.

**SUBJECT PROPERTY AND LOCATION**

The location of the subject property is described as Part Lot 19 & 20, Concession 10 (geographic Township of Arthur), with a civic address of 8901 Concession 11. The subject land is approximately 0.8 ha (2 acres).

**PROPOSAL**

The purpose of this application is to provide relief from the maximum ground floor area and minimum setback requirements for a hobby barn on a lot equalling 0.8 ha (2.0 ac). The applicant is requesting permission to construct a 178.37 m<sup>2</sup> (1,920 ft<sup>2</sup>) hobby barn with a rear yard setback of 6 m (20 ft).

**WELLINGTON COUNTY OFFICIAL PLAN:** The subject property is designated Prime Agricultural in the 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 Agricultural (A). The current provision permit a hobby barn on lots less than 10.1 ha (25 ac). The subject property is 0.8 ha (2.0 ac) in size which allows for a 27.9 sq m (300.3 sq ft) hobby barn that shall not be located closer than 22.8 m (74.8 ft) from any property line. Due to the size of the lot and lay of the lands, the proposed location is the best option for the hobby barn. The applicant is proposing a 178.37 sq m (1920 sq ft) hobby barn with a rear yard setback of 6m (20 ft) to house up to 20 horses on a temporary basis. With respect to the impact, the property is surrounded by agricultural uses and the closest dwelling is approximately 213.4m (700 ft) away from the proposed hobby barn. There are no rural residential uses in proximity that may be impacted. The following relief is requested:

**TOWNSHIP OF WELLINGTON NORTH  
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<b>Hobby Barn</b>	<b>Permitted</b>	<b>Proposed</b>	<b>Difference</b>
Maximum Ground Floor Area (Section 8.3.1)	27.9m <sup>2</sup> (300.3 ft <sup>2</sup> )	178.37 m <sup>2</sup> (1920 ft <sup>2</sup> )	150.47 m <sup>2</sup> (1619.7 ft <sup>2</sup> )
Rear Yard Setback (Section 8.3.2 a)	22.8m (74.8ft.)	6 m (20 ft.)	16.8 m (54.8 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 2018-09**

Moved by: Member Yake

Seconded by: Member McCabe

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, FEBRUARY 12, 2018 – 2:00 P.M.  
A01/18, A02/18, A03/18, A04/18, A05/18, A06/18, A07/18**

*THAT the minor variance applied for in Application A5/18, for the property described as Part Lot 19 & 20, Concession 10, geographic Township of Arthur, with a civic address of 8901 Concession 11, to provide the following relief:*

1. *THAT the total ground floor area for a proposed hobby barn of 178.37 m<sup>2</sup> (1920 ft<sup>2</sup>) be permitted, whereas section 8.3.1. of the By-law permits a total maximum ground floor area of 27.9 m<sup>2</sup> (300.3 ft<sup>2</sup>); and*
2. *THAT a rear yard setback for a proposed hobby barn of 6 m (20 ft) be permitted, whereas section 8.3.2.2.(a) of the By-law permits a maximum rear yard setback of 22.8 m (74.8 ft).*

*be authorized.*

**CARRIED**

### **APPLICATION A6/18**

**Owners/Applicant: Anna Lovas and Laurie Morgan**

**The location of the subject property** is described as Lot 6, Concession 12, geographic Township of Arthur, with a civic address of 6828 Sideroad 3 West. The subject land is approximately 0.83 ha. (2 acres).

The purpose and effect of the application is to construct the accessory building on a vacant lot before the main residential use is established. 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 posted on the subject property on January 29, 2018 pursuant to the provisions of the Planning Act.

### **PRESENTATION**

Linda Redmond, Manager of Planning and Environment, reviewed comments prepared by the County of Wellington Planning and Development Department, dated February 6, 2018.

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

**Planning Opinion:** The variances requested would allow for the construction of an accessory structure prior to the establishment of the main residential use on a vacant lot. The proposed use of the accessory building is to eventually become auxiliary to the main residence and this is intended to remain on an interim basis for storage until the main dwelling is built.

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, FEBRUARY 12, 2018 – 2:00 P.M.  
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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.

We would recommend that conditions be applied to address the following:

1. That the accessory structure is used only for personal storage.
2. That the accessory structure cannot be used for business purposes or habitation.

**SUBJECT PROPERTY AND LOCATION**

The location of the subject property is described as Lot 6, Concession 12 (geographic Township of Arthur), with a civic address of 6828 Sideroad 3 W. The subject land is approximately 2.1ha (5.2 acres).

**PROPOSAL**

The purpose of this application is to provide relief from the zoning by-law Section 6.1.5 a) to construct an accessory building on a vacant lot before the main residential use is established.

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated CORE GREENLANDS and GREENLANDS. The Core Greenlands refers to Hazard Lands and the Greenlands refers to Significant Wooded Area. Section 5.5.4 of the Plan indicates that significant woodlands will be protected from development or site alterations that would negatively impact the woodlands or their ecological functions. Good forestry practices will be encouraged and tree removal shall be subject to the Wellington County Forest Conservation by-law. 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 Estate Residential (ER) and Natural Environment (NE). The NE zone does not permit residential or accessory uses; therefore, the proposed accessory building shall be located in the ER zone. Section 6.1.5 of the by-law indicates that no accessory building or accessory use shall be established on any lot or site until the main building has commenced construction. The applicant is requesting relief to construct the accessory building for storage purposes on the lot until the main residential building is built. Once the main dwelling is built the building will become accessory to the main dwelling and meets the requirements of the by-law.

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Ms. Redmond added that the Saugeen Valley Conservation Authority requested that a scoped environmental impact study be completed at this time as the location of the proposed dwelling and septic system may encroach in the Natural Environment portion of the property and significant tree clearing will be required for the development of the property.

**CORRESPONDENCE/COMMENTS RECEIVED**

Michael Oberle, Environmental Planning Technician, SVCA

**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. They commented that they hope to have the shed built by the end of April and then begin building the house.

- 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 2018-10**

Moved by: Member McCabe

Seconded by: Member Yake



**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, FEBRUARY 12, 2018 – 2:00 P.M.  
A01/18, A02/18, A03/18, A04/18, A05/18, A06/18, A07/18**

*THAT the minor variance applied for in Application A6/18, for the property described as Lot 6, Concession 12, geographic Township of Arthur, with a civic address of 6828 Sideroad 3 West, to provide the following relief:*

1. *THAT an exemption of the requirement under Section 6.1.5 of the By-law, which requires the commencement of the construction of the main building prior to the construction of an accessory structure be permitted.*

*be authorized with the following condition(s):*

- *THAT the accessory structure is used only for personal storage and;*
- *FURTHER THAT the accessory structure cannot be used for business purposes or habitation.*
- *THAT a scoped Environmental Impact Study be prepared to the satisfaction of the Conservation Authority prior to the issuance of building property.*

**CARRIED**

### **APPLICATION A07/18**

**Owners/Applicant: W. Schwindt Sons building Contractors**

**The location of the subject property** is described as Part Park Lot 2, Registered Plan 60R2864, Part 1, geographic Town of Mount Forest, with a civic address of 625 Albert Street, Mount Forest.

**The purpose and effect** of the application is to provide relief from the minimum front yard and minimum rear yard set back to construct the main dwelling on the lot. 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 posted on the subject property on January 29, 2018 pursuant to the provisions of the Planning Act.

### **PRESENTATION**

Linda Redmond, reviewed her comments dated February 6, 2018.

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

**Planning Opinion** The variance requested would provide relief from the minimum front yard setback and minimum rear yard setback to construct the main dwelling on the lot. The applicant is proposing to construct a new single family dwelling with a front yard setback of 6.1m (20 ft) and a rear yard setback of 4.88 m (16 ft), where the required for both setback is 7.6m (25 ft).

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
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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 Part Park Lot 3, Registered Plan 60R-2864 Part 1 (geographic Township of Mount Forest), with a civic address of 625 Albert Street. The subject land is approximately 650m<sup>2</sup> (0.16 ac).

**PROPOSAL**

The purpose of this application is to provide relief from the minimum front yard and minimum rear yard setback to construct the main dwelling on the lot.

**WELLINGTON COUNTY OFFICIAL PLAN** The subject property is designated RESIDENTIAL. 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 Residential (R1B), which permits one single detached residential dwelling unit. The applicant is proposing to construct a one story single detached dwelling on the vacant parcel.

The following relief is requested:

<b>Single Detached Dwelling</b>	<b>Required</b>	<b>Proposed</b>	<b>Difference</b>
<b>Minimum Front Yard Setback</b> (Section 10.1.3)	7.6m (24.9 ft)	6.1m (20 ft)	1.5m (4.9 ft)
<b>Minimum Rear Yard Setback</b> (Section )	7.6m (24.9ft)	4.88 m (16 ft.)	2.72 m (8.9 ft.)

**CORRESPONDENCE/COMMENTS RECEIVED**

Michael Oberle, Environmental Planning Technician, SVCA

- No Objection.

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, FEBRUARY 12, 2018 – 2:00 P.M.  
A01/18, A02/18, A03/18, A04/18, A05/18, A06/18, A07/18**

**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 not present. No persons were present to make oral and/or written submissions in support of the proposed minor variance.

- 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 2018-11**

Moved by: Member Yake

Seconded by: Member McCabe

*THAT the minor variance applied for in Application A7/18, for the property described as Part Park Lot 2, Registered Plan 60R2864, Part 1, geographic Town of Mount Forest, with a civic address of 625 Albert Street, Mount Forest, to provide the following relief:*

1. *THAT a front yard setback of 6.1 m (20 ft.) be permitted whereas the By-law requires 7.6 m (24.9 ft.) and;*
2. *THAT a rear yard setback of 4.88 m (16 ft.) be permitted whereas the By-law requires 7.6 m (24.9 ft.).*

*be authorized.*

**CARRIED**

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, FEBRUARY 12, 2018 – 2:00 P.M.  
A01/18, A02/18, A03/18, A04/18, A05/18, A06/18, A07/18**

**ADJOURNMENT**

**RESOLUTION NUMBER CoA 2018-12**

Moved by: Member McCabe

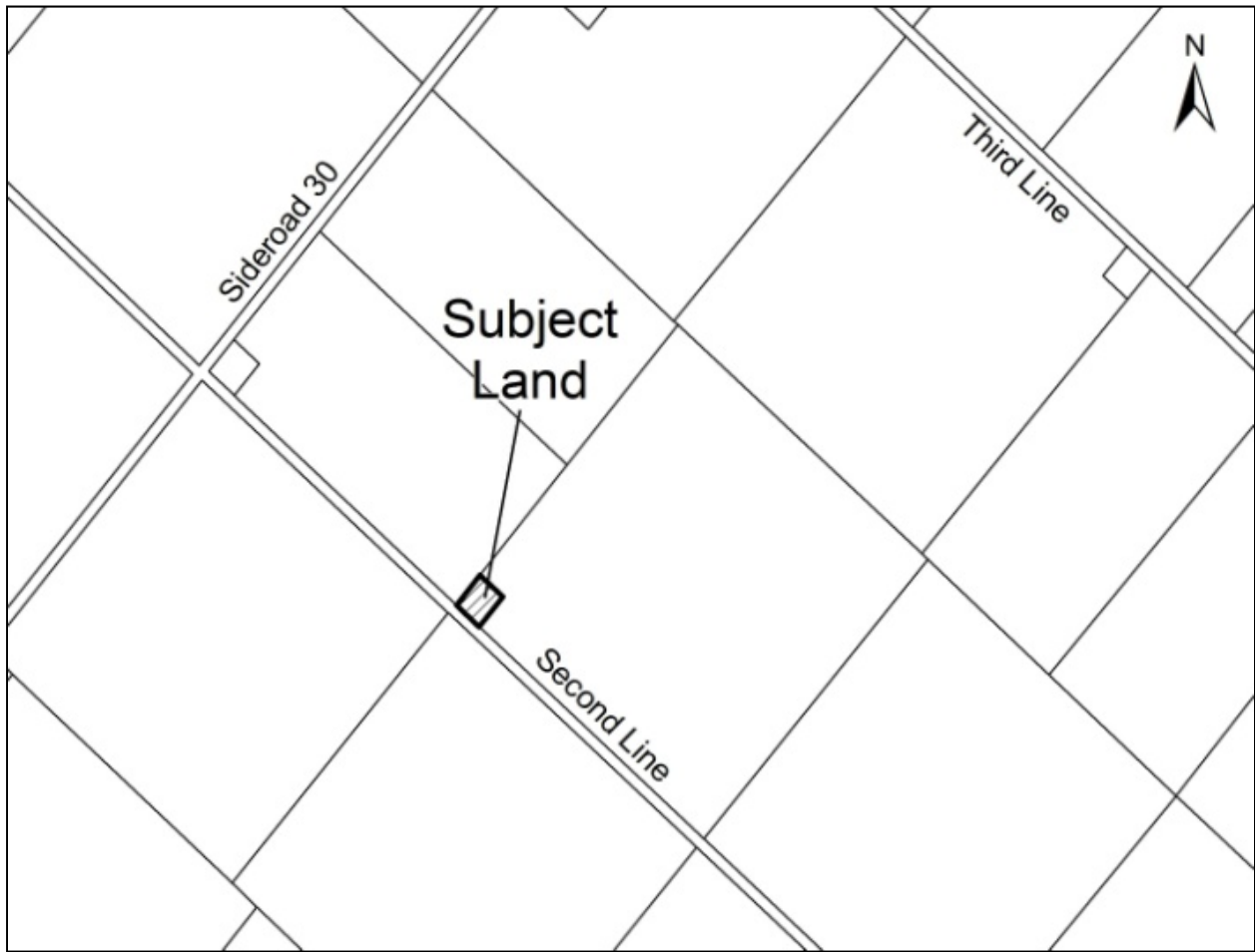
Seconded by: Member Yake

*THAT the Committee of Adjustment meeting of February 12, 2018 be adjourned at 3:27 p.m.*

**CARRIED**

\_\_\_\_\_  
Secretary Treasurer

\_\_\_\_\_  
Chair



**A08-18 – Paul Duxbury and Christine Deforest**



## 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

February 20, 2018

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

Dear Mr. Jones,

Re: **Minor Variance Application A08/18**  
**Lot 30 Concession 3, 60R-3473**  
**7377 Second line, West Garafraxa**  
**Paul & Christine Duxsbury**

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 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.

We have 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 exiting single dwelling and garden shed. The location of the property is on Figure 1.

### 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 m<sup>2</sup> (1255 ft<sup>2</sup>) detached garage for storage in addition



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to the existing garden shed that when combined exceeds the maximum permitted size by 35.5 m<sup>2</sup> (383 ft<sup>2</sup>).

**WELLINGTON COUNTY OFFICIAL 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 11.89m<sup>2</sup> (128 ft<sup>2</sup>) 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
<b>Maximum Lot Coverage for all Accessory Buildings</b> (Section 6.1.4)	93m <sup>2</sup> (1000 ft <sup>2</sup> )	128.5 m <sup>2</sup> (1383 ft <sup>2</sup> )	35.5 m <sup>2</sup> (383 ft <sup>2</sup> )

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

I trust that this information will be of assistance to the Committee when making their decision on this application.



Yours truly,

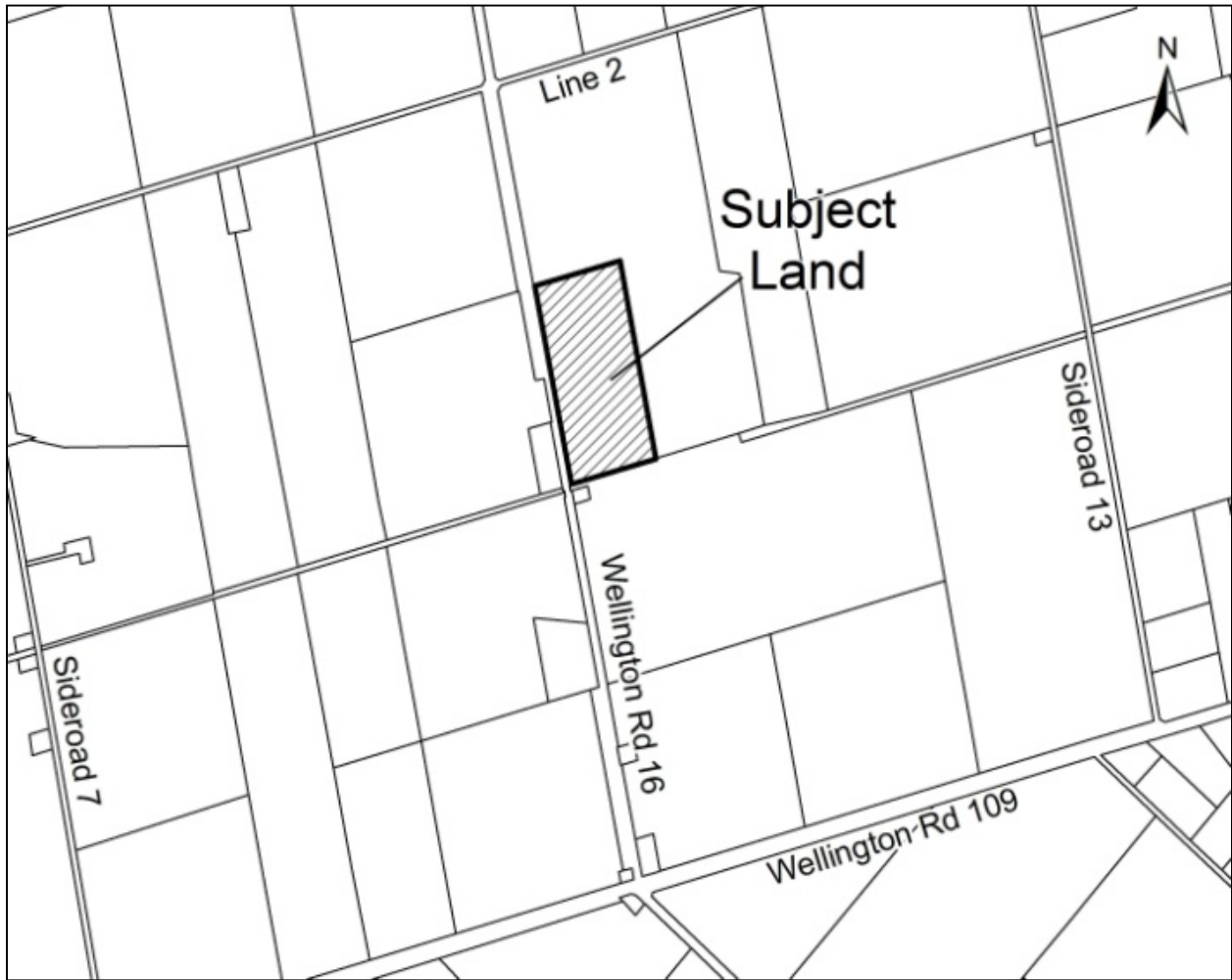
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Jessica Wilton, Junior Planner




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Curtis Marshall, MCIP, RPP  
Senior Planner



**A09-18 – Donald Weber**





## 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

February 20, 2018

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

Dear Mr. Jones,

Re: **Minor Variance Application A09/18**  
**Lot 10, Concession 2**  
**8487 Wellington Road 16, West Luther**  
**Donald Weber**

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 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.

We have 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. The location of the property is on Figure 1 below.

### **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

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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 out side 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

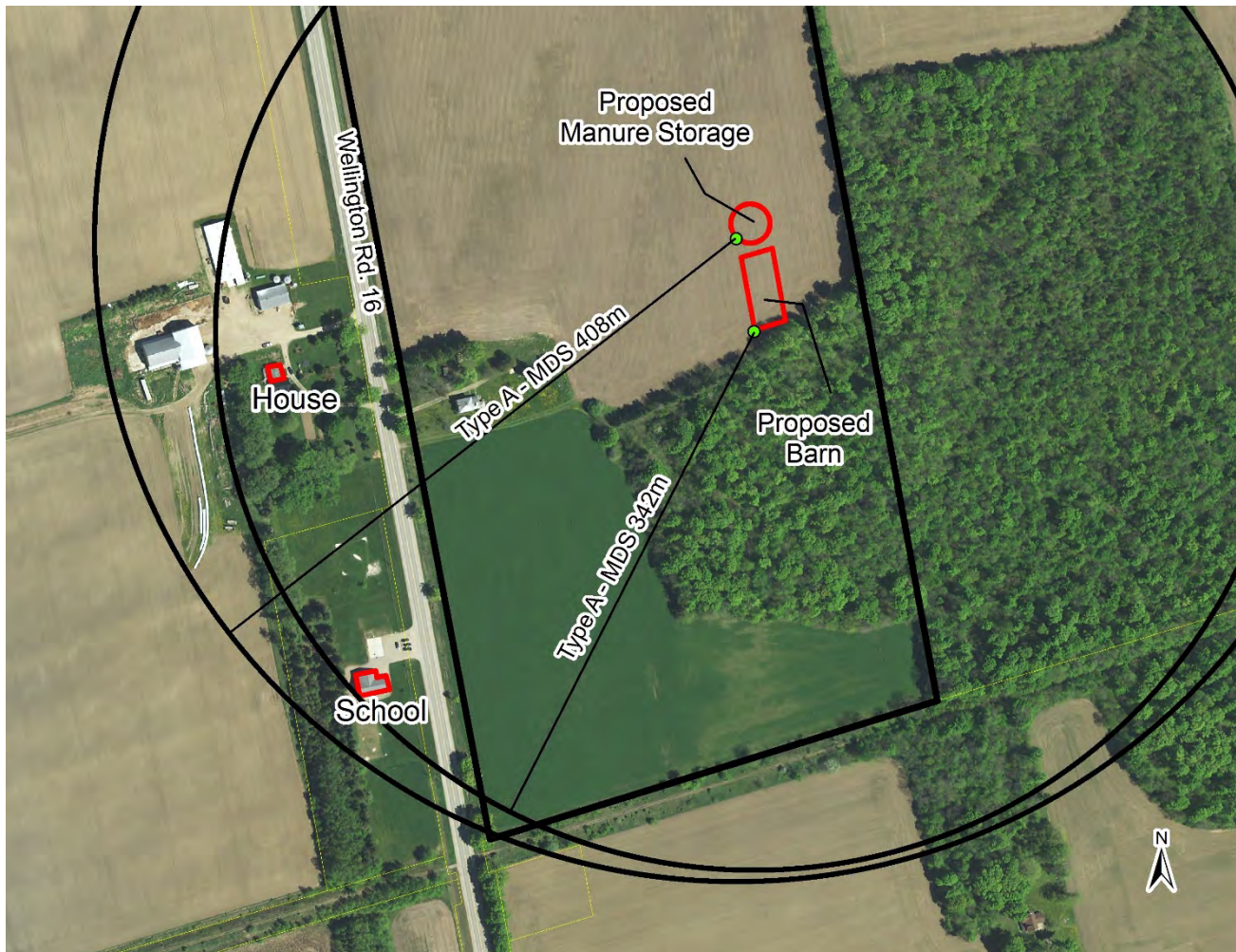
The subject property is zoned Agricultural (A) .The location of the proposed new barn and manure tank does not meet the minimum distance separation (MDS II) from the surrounding Type A uses. In order to keep the proposed barn and manure tank away from neighbours across the street and out of the farmed 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
<b>New Swine Barn</b> 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.)
<b>Manure Storage Tank</b> 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
<b>New Swine Barn</b> 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.)
<b>Manure Storage Tank</b> 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.)

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Figure 1: MDS Arcs from Proposed Barn and Manure Storage Tank



I trust that this information will be of assistance to the Committee when making their decision on this application.

Yours truly,

Jessica Wilton, Junior Planner

Curtis Marshall, MCIP, RPP  
Senior Planner