

**TOWNSHIP OF WELLINGTON NORTH  
COMMITTEE OF ADJUSTMENT  
MONDAY, MAY 25, 2015 – 7:00 P.M.  
A08/15**

The Committee of Adjustment met at the Kenilworth Municipal Office Council Chambers at 7:00 p.m.

**Members Present: Chairman: Andy Lennox  
Sherry Burke  
Mark Goetz  
Steve McCabe  
Dan Yake**

**Also Present: Secretary/Treasurer, Clerk: Karren Wallace  
C.A.O./Deputy Clerk: Michael Givens  
Executive Assistant: Cathy Conrad  
Treasurer: Paul Dowber  
Director of Public Works: Matthew Aston  
Director of Recreation, Parks and Facilities: Barry Lavers  
Linda Redmond: Linda Redmond  
Manager of Planning and Environment: Mark Van Patter**

**THE CHAIRMAN CALLED THE MEETING TO ORDER**

**RESOLUTION NUMBER CoA 2015-016**

**Moved by: Councillor Goetz**

**Seconded by: Councillor Burke**

*THAT the agenda for the May 25, 2015 Committee of Adjustment meeting be accepted and passed.*

**CARRIED**

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

None Reported

**MINUTES**

**RESOLUTION NUMBER CoA 2015-017**

**Moved by: Councillor Goetz**

**Seconded by: Councillor Burke**

*THAT the Committee of Adjustment meeting minutes of April 13, 2015 – A04/15, A05/15, A06/15 and A07/15 be adopted as presented.*

**CARRIED**

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The public meeting is held to consider Minor Variance Application A08/15 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

**APPLICATION A08/15**

**Owners/Applicant: Bradley and Judith Reist**

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Lot A, Concession 10, geographic Township of Arthur, with a civic address of 7011 Sideroad 3 W. The subject land is approximately 2.2 ha (5.5 acres).

**THE PURPOSE AND EFFECT** of the application is to provide relief from the maximum floor area of section 6.14 d) and setback requirements of section 6.14 g) for a proposed home industry structure. The maximum floor area of a home industry structure shall not exceed 185 m<sup>2</sup> (2,000 ft<sup>2</sup>) and shall not be located within 22.8 m (74.8ft) of a lot line or within 121.9 m (400ft) of a residence on a separate lot. The applicant is requesting permission to construct a building with a total floor area of 222.9 m<sup>2</sup> (2400 ft<sup>2</sup>) for a farm repair home industry. Other variances may be considered where deemed appropriate.

The Secretary Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on May 12, 2015 as well as posted on the property pursuant to the legislation.

**PRESENTATION:**

Linda Redmond, Senior Planner for the Township of Wellington North reviewed her comments dated May 19, 2015.

**Planning Comments:** The variance requested would provide relief from the maximum floor area and setback requirements for a home industry structure on a (rural) residential lot. The applicant is proposing to construct a 2400 ft<sup>2</sup> building to operate a machine shop, whereas the by-law allows 2000 ft<sup>2</sup> maximum. In addition, the applicants are further requesting relief from the setback to the rear yard and adjacent residences.

The Planning Department had no concerns with the size and scale 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.

The subject lands are described as Lot A, Concession 10, geographic Township of Arthur, with a civic address of 7011 Sideroad 3 W. The subject land is approximately 2.2 ha (5.5 acres).

The purpose of this application is to provide relief from the maximum floor area and setback requirements for a proposed home industry structure.

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The subject property is designated PRIME AGRICULTURAL under the Wellington 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.

Under the Wellington North Zoning By-law the subject property is zoned Agricultural (A). The applicants are proposing to construct 2400 ft<sup>2</sup> building for a farm repair (machine shop). The home industry regulations list a machine shop as a permitted use. The following variances are required:

1. A maximum square footage of 222.9 m<sup>2</sup> (2400 ft<sup>2</sup>), whereas section 6.14 d) of the By-law permits a total maximum square footage of 185 m<sup>2</sup> (2,000 ft<sup>2</sup>).
2. A minimum setback of 18.8 m (62 ft) to a lot line (rear), whereas section 6.14 g) requires a setback of 22.8m (74.8 ft.).
3. A minimum setback of 76.2 m (250 ft) to a residence on a separate lot, whereas the by-law requires 121.9 m (400ft) separation. This variance is required from the homes located at 7012 & 7023 Sideroad 3 W.

**CORRESPONDENCE/COMMENTS RECEIVED**

- Jennifer Prenger, Environmental Planning Technician, SCVA
  - No objection

**QUESTIONS/COMMENTS**

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

The applicant was present to answer questions regarding the application.

- Persons present who wish to make oral and/or written submissions against this application.

Paul Thornton, 9399 Concession 11, lives directly west of the subject property. There is a buffer of trees between his property and the proposed shop. Mr. Thornton is concerned about flooding that happens every spring on the property. Grading from the shop could push more of the water onto his property. Mr. Thornton commented that he was surprised the Saugeen Conservation Authority was in favour of the development considering the area is wet.

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Nancy Whetham, 7023 Sideroad 3 West, expressed concern with the proximity to other residences, restrictions on the first addition to the existing barn, size of property being too small for the size of the manufacturing facility being proposed, number of employees and the impact of this manufacturing facility on neighbouring property values. (see attached addendum to the minutes)

Harold Whetham, 7023 Sideroad 3 West, stated that he is against a setback of only 250 feet from his house. He would like the setback pushed back to 400 feet.

- Those wishing to be notified of the decision were asked leave their name and address with the secretary-treasurer.
- Committee – Comments and Questions

Councillor Burke questioned what the existing 1,000 sq. ft. structure will be used for. Mr. Reist explained that it will be used for storage of material to be used in the new shop. Councillor Burke is concerned with flooding issues and would like to contact the SVCA. She would like to see this proposal come back within the Township guidelines. She would like to defer this application.

Councillor Yake stated he feels 2,400 sq. ft. is excessive and he would like to see the size of the proposed building scaled back to 2,000 sq. ft. He also expressed concern with the flooding previously mentioned. Councillor Yake was in favour of deferral of this application.

Councillor McCabe sits on the SVCA as the Township representative. He will ask about this application when he attends a meeting on May 28.

Mayor Lennox questioned if there are other variances required if the building is scaled back.

**RESOLUTION NUMBER CoA 2015-018**

**Moved by: Councillor Yake**

**Seconded by: Councillor McCabe**

*THAT the minor variance applied for in Application A08/15 to allow the construction of a 2,400 ft<sup>2</sup> building for a farm repair (machine shop) on the property described as Lot A, Concession 10, geographic Arthur Township, civic address 7011 Sideroad 3 West be deferred.*

**CARRIED**

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Committee directed staff to:

- Determine a reduced building envelope
- Investigate ground water issues
- Obtain more information from the SVCA
- Request further comments from the Planners regarding setbacks

**ADJOURNMENT**


**RESOLUTION NUMBER CoA 2015-019**

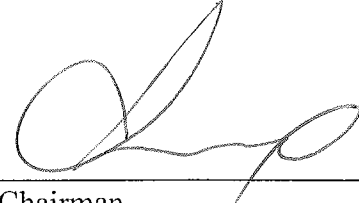
**Moved by: Councillor Burke**

**Seconded by: Councillor Goetz**

*THAT the Committee of Adjustment meeting of May 25, 2015 be adjourned at 7:18 p.m.*

**CARRIED**

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

  
\_\_\_\_\_  
Chairman

I am speaking tonight on behalf of three of the landowners who are concerned about the expansion of this business. Ourselves, Harold and Nancy Wheelham and Paul Thornton who adjoin the Reist property and Ross Kirtpatrick whose home is directly across the road.

There is one more adjoining residential property, one adjoining farm and 3 other residential properties in close proximity. Six of these have been severed from the existing 50 acre farm.

Our understanding when he built the first addition to the existing small barn that that would be the only addition allowed on his property and that he was restricted not only to the size of the addition but also that it couldn't be higher than the barn.

As this property is only 5 acres and in close proximity to 6 residential houses we feel it is too small for the size of manufacturing facility being proposed.

We ask that the people in charge of passing the minor variance come out to see where the houses are ~~not~~ situated if they haven't already done so before it is granted.

After farming all our lives when we built our retirement home in a farming community we expected normal farming operations as neighbors not a manufacturing facility.

Nobody wants to be a bad neighbor but we feel that this issue will have too big an impact on our property values to ignore. A manufacturing facility in anyone's backyard wouldn't be appreciated.

### Questions

1. Home Industry is defined as secondary use to main permitted use.
2. Are there any rules in regard to noise levels i.e. large heavy equipment
3. Are there any checks in place to determine the number of employees.

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