

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, May 28, 2012

The Public Meeting was held Monday, May 28, 2012 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider two Zoning Amendment applications.

Present:

Mayor: Raymond Tout
Councillors: Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake

Also Present:

C.A.O./Clerk: Lorraine Heinbuch
Executive Assistant: Cathy Conrad
Township Planner: Linda Redmond

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner/Applicant: Arlene Pronk

THE LOCATION being rezoned is in Part of Lot 8, Concession 2 with a civic address of 8355 Line 2. The land is approximately 42.3 ha (104.6 acres) in size.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized sheds on the residential portion of the subject lands. This rezoning is a condition of severance application B16/12, that was granted provisional approval by the Wellington County Land Division Committee in April 2012. The consent will sever the existing farm dwelling and accessory buildings (1.5 ha (3.8 acres) from the remainder of the agricultural parcel (40.8 ha (100.8 acres). The property is currently zoned Agricultural.

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Please note – Section 34 (12) of the Planning Act.

Information – At a meeting under subsection (12), the Council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the Council with oral submissions at a public meeting or written submissions before a By-law is passed.

1. Notice for the public meeting was sent to property owners within 120 m and required agencies and posted on the property on May 3, 2012.
2. Application for Zoning By-law Amendment
3. Presentation by:

Linda Redmond, Planner, reviewed her comments dated May 23, 2012.

The zoning amendment is required as a condition of provisional consent (B16/12) by the Wellington County Land Division Committee. The Planning Department had no objections to implementing this decision. Both the Provincial Policy Statement and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

The by-law will also address the drive sheds on the residential parcel. It is not unusual to maintain an existing implement shed for storage as a result of a severance. In this case the applicants are requesting to keep two drive sheds with a combined floor area of 4072 sq.ft. (3072 sq.ft. and 1200 sq.ft. each). Council should be satisfied that the accessory buildings are intended for personal use and not for commercial purposes.

The subject land is legally described as Part of Lot 8 Concession 2 and has a civic address of 8355 Line 2. The land is approximately 42.3 ha (104.6 acres) in size and is occupied by a dwelling and two drive sheds.

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The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized sheds on the residential portion of the subject lands. This rezoning is a condition of severance application B16/12, that was granted provisional approval by the Wellington County Land Division Committee in April 2012. The consent will sever the existing farm dwelling and sheds (1.5 ha (3.8 acres)) from the remainder of the agricultural parcel (40.8 ha (100.8 acres)). The property is currently zoned Agricultural.

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the Provincial Policy Statement provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

Under the Wellington County Official Plan the subject lands are designated PRIME AGRICULTURE. This application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the Provincial Policy Statement and requires that the remnant parcel be rezoned to prohibit dwellings.

Section 10.3.4 of the Official Plan states:

“A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) The remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) The surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) The Minimum Distance Separation formula will be met, and
- f) The vacant parcel of farmland is rezoned to prohibit a residential use.”

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum.

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Under the Wellington North Zoning By-law the subject lands are zoned Agricultural (A). There will be two site specific zones required on the subject lands. The first site specific will prohibit a dwelling on the 100.8 acre agricultural parcel and the second one will address the accessory structures on the 3.8 acre residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structure would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case there are two drive sheds with floor area's of 3072 sq.ft. and 1200 sq.ft. Both exceed the allowable ground floor area of 1,000 sq. ft. per accessory structure (Section 6.1.4 ii).

Under the current by-law accessory structures are permitted to cover a maximum of 10% of the lot area, however the buildings cannot exceed 1000 sq.ft. each. Staff are currently undertaking a review of this and are proposing revisions to the wording. Consideration will be given to applying "sliding scale" criteria that would permit larger structures for larger parcels of land. In the meantime should Council chose to allow the drive sheds to remain a limit on further accessory structures should be included within the amending by-law.

4. Review of Correspondence received by the Township:
 - Grand River Conservation Authority
 - Liz Yerex, Resource Planner
 - No Objection
5. The by-law will be considered at the Regular Council Meeting following the public meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.
6. Mayor Tout opened the floor for any questions/comments.

The applicant's agent, Vince Starratt, was present to answer any questions. Mr. Starratt stated that both drive sheds are in good shape and still useful. The sheds add value to the property. His clients are agreeable to the clause restricting additional accessory structures.

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7. Comments/questions from Council.

Councillor Lennox stated that he continues to have problems with these large accessory structures being retained. He expressed concern that livestock farmers could continue on with their farm business using these structures.

Owner/Applicant: Richard Cole and Mabel Cole

Declaration of Pecuniary Interest:

None declared.

THE LOCATION being rezoned is in Part of Lot 10, Concession 7, with a civic address of 8420 Line 6. The land is approximately 35 ha (86 acres) in size.

THE PURPOSE AND EFFECT of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized sheds on the residential portion of the subject lands. This rezoning is a condition of severance application B145/11, that was granted provisional approval by the Wellington County Land Division Committee in April 2012. The consent will sever the existing farm dwelling and accessory buildings (3.15 ha (7.8 acres) from the remainder of the agricultural parcel (31.76 ha (78.5 acres). The property is currently zoned Agricultural site specific (A-75) to permit a propane tank refurbishing business and Natural Environment (NE).

Please note – Section 34 (12) of the Planning Act.

(12) Information. – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

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8. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on May 3, 2012.
9. Application for Zoning By-law Amendment
10. Presentation by:

Linda Redmond, Planner, reviewed her comments dated May 23, 2012.

The zoning amendment is required as a condition of provisional consent (B145/11) by the Wellington County Land Division Committee. The Planning Department had no objections to implementing this decision. Both the Provincial Policy Statement and County Plan provide for surplus farm dwelling severances, provided the agricultural lands are rezoned to prohibit future residential dwellings. The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels where the impact on existing and future farm operations can be kept to a minimum.

The by-law will also address the drive shed (shop) on the residential parcel. It is not unusual to maintain an existing implement shed for storage as a result of a severance. In this case the applicants are requesting to keep an accessory shop with a floor area of 3200 sq. ft, 1000 sq.ft. is the maximum allowable. Given the size of the subject property and neighbouring agricultural lots the impact of the relief requested appears to be minor in nature, however, Council should be satisfied that the accessory building is intended for personal use and not for commercial purposes.

The subject land is legally described as Part of Lot 10, Concession 7, with a civic address of 8420 Line 6. The land is approximately 35 ha (86 acres) in size and is occupied by a dwelling and two accessory structures.

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The purpose of the amendment is to rezone the subject lands to restrict any future residential development on the agricultural portion of the property and to address the oversized shed on the residential portion of the subject lands. This rezoning is a condition of severance application B145/11, that was granted provisional approval by the Wellington County Land Division Committee in April 2012. The consent will sever the existing farm dwelling and accessory buildings (3.15 ha (7.8 acres) from the remainder of the agricultural parcel (31.76 ha (78.5 acres). The property is currently zoned Agricultural site specific (A-75) to permit a propane tank refurbishing business and Natural Environment (NE).

The subject property is considered to be within a PRIME AGRICULTURAL area. Section 2.3.4.1(c) of the Provincial Policy Statement provides consideration for the severance of a surplus residence, provided that new residential dwellings are prohibited on the remnant parcel of farmland.

Under the Wellington County Official Plan the subject lands are designated PRIME AGRICULTURE. This application is required as a result of a severance application. Section 10.3.4 of the Official Plan implements the Provincial Policy Statement and requires that the remnant parcel be rezoned to prohibit dwellings.

Section 10.3.4 of the Official Plan states:

“A severance may be considered for an existing residence that is surplus to a farming operation as a result of farm consolidation, provided that:

- a) The remaining vacant farmland is large enough to function as a significant part of the overall farm unit; and
- b) The result of removing the surplus dwelling from the farm does not render the remaining farmlands difficult or inefficient to farm; and
- c) The amount of good farmland retained with the surplus house is kept to a minimum size needed for residential purposes, taking into consideration environmental and topographic features; and
- d) The surplus residence is habitable and is not expected to be demolished by a future owner; and
- e) The Minimum Distance Separation formula will be met, and
- f) The vacant parcel of farmland is rezoned to prohibit a residential use.”

The intention of this policy is to allow farmers to reduce their costs of acquiring additional farm parcels, where the impact on existing and future farm operations can be kept to a minimum.

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Under the Zoning By-law the subject lands are zoned Agricultural (A). There will be two site specific zones required on the subject lands. The first site specific will prohibit a dwelling on the 78.5 acre agricultural parcel and the second one will address the accessory structure on the 3.15 acre residential parcel.

As a result of the severance, the residential dwelling would be considered the main use and the existing accessory structure would be reviewed under section 6.1 as accessory uses to a residential dwelling. In this case there are two accessory structures a garage (432 sq.ft.) and shop (3200 sq.ft.). The garage will comply with the minimum required floor area of 1000 sq.ft. however the shop exceeds the maximum as per Section 6.1.4 ii.

Under the current by-law accessory structures are permitted to cover a maximum of 10% of the lot area, however the buildings cannot exceed 1000 sq.ft. each. Staff are currently undertaking a review of this and are proposing revisions to the wording. Consideration will be given to applying "sliding scale" criteria that would permit larger structures for larger parcels of land. In the meantime should Council chose to allow the drive shed to remain a limit on further accessory structures should be included within the amending by-law.

11. Review of Correspondence received by the Township:

- none

12. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.
13. Mayor opens floor for any questions/comments.

The applicant was present to answer any questions. Mr. Cole explained that he refurbishes propane cylinders and no propane gas is involved.

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14. Comments/questions from Council.

Councillor Lennox commented that Council has seen this application previously and questioned if anything has changed.

Ms. Redmond explained that Council previously saw the consent application for this property. The applicant has scaled back the size of the retained parcel. The 7.8 acres is justified given the location of septic system and driveway.

15. Adjournment 7:18 p.m.

C.A.O./CLERK

MAYOR