



7490 Sideroad 7 W, PO Box 125,
Kenilworth, ON N0G 2E0

www.wellington-north.com

519.848.3620

1.866.848.3620 FAX 519.848.3228

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Committee of Adjustment

Monday, October 23rd, 2017

7:00 p.m.

Municipal Office Council Chambers, Kenilworth

A G E N D A

AGENDA ITEM	PAGE NO.
<u>CALLING TO ORDER</u>	
- Chairman Lennox	
<u>DISCLOSURE OF PECUNIARY INTEREST(S) AND THE GENERAL NATURE THEREOF</u>	
<u>MINUTES OF PREVIOUS MEETING(S)</u>	
Committee of Adjustment, August 28th, 2017 (A08-17)	1
<u>APPLICATION A09-17</u>	
<u>OWNERS/APPLICANT</u>	
- Lloyd, Stuart and Mark Wright	
<u>LOCATION OF THE SUBJECT LAND</u>	
The location of the subject property is described as Lot 25, WOSR DIVS 1 to 4, geographic Arthur Township, with a civic address of 7591 Sideroad 8 W, Kenilworth. The subject land is approximately 79.7 ha (197 acres) and is occupied by an existing dairy operation. The location of the property is shown on the map attached.	11

AGENDA ITEM	PAGE NO.
<p data-bbox="186 321 1024 359"><u>PURPOSE AND EFFECT OF THE APPLICATION</u></p> <p data-bbox="186 401 1268 615">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 to expand their existing dairy operation by constructing a new barn and liquid manure tank. The required MDS 2 distances to the nearest neighbour's dwelling cannot be met. Other variances may be considered where deemed appropriate.</p> <p data-bbox="186 657 659 695"><u>SECRETARY TREASURER</u></p> <p data-bbox="186 737 1268 842">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 October 12th, 2017.</p> <p data-bbox="186 884 505 921"><u>PRESENTATIONS</u></p> <p data-bbox="186 963 813 1031">Curtis Marshall, MCIP, RPP, Senior Planner - See attached comments</p> <p data-bbox="186 1073 1073 1110"><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></p> <p data-bbox="186 1152 269 1178">None.</p> <p data-bbox="186 1220 862 1257"><u>REQUEST FOR NOTICE OF DECISION</u></p> <p data-bbox="186 1299 1268 1367">Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p data-bbox="186 1409 854 1493"><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></p> <p data-bbox="186 1535 1268 1602">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="186 1644 1268 1711">Are there any persons present who wish to make oral and/or written submissions against this application?</p>	<p data-bbox="1360 942 1398 968">12</p>

AGENDA ITEM	PAGE NO.
<p data-bbox="188 279 1073 317"><u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u></p> <p data-bbox="188 365 480 403"><u>ADJOURNMENT</u></p>	

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, AUGUST 28, 2017 – 7:00 P.M.
A08/17 and A06/17**

The Committee of Adjustment met in the Plume Room at the Mount Forest & District Sports Complex.

Members Present: Acting Chair: Lisa Hern
Sherry Burke
Steve McCabe
Dan Yake

Absent: Andy Lennox

<u>Also Present:</u>	Secretary-Treasurer, Clerk:	Karren Wallace
	CAO/Deputy Clerk:	Michael Givens
	Deputy Clerk:	Catherine Conrad
	Treasurer:	Kimberly Henderson
	Interim Director of Public Works:	Derek McCaughan
	Chief Building Official:	Darren Jones
	Director of Recreation, Park and Facilities:	Barry Lavers
	Senior Planner:	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 2017-16

Moved by: Member McCabe

Seconded by: Member Burke

THAT the Committee of Adjustment meeting minutes of July 10, 2017 – A06/17 and A07/17 be adopted as presented.

CARRIED

APPLICATION A08/17

Owners/Applicant: Raymond and Julia Goetz

THE location of the subject property is described as Part Lot 1, Concession 14, West Luther with a civic address of 21 Wood Street. The subject land is approximately 0.12 ha (0.3 acres).

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The purpose and effect of the application is to provide relief from the minimum side and rear yard setbacks, and the maximum height requirement for an accessory structure. The applicants are proposing to construct a detached garage/shed closer to the lot lines and taller in height than permitted. 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 August 18, 2017 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed his comments dated August 18, 2017.

PLANNING COMMENTS: The variances requested would provide relief from the minimum side and rear yard setbacks, and the maximum height requirements for an accessory structure. The applicant is proposing to construct a detached garage/shed closer to the lot lines and taller in height than permitted.

We have no concerns with the requested relief as access and drainage can still be maintained between the garage and the lot line, and since the proposed increased height is only 4.3 inches higher than permitted. We are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law, and would be desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The subject lands are described as Part of Lot 1, Concession 14 (West Luther) with a civic address of 21 Wood St., Conn. The subject land is approximately 0.12 ha (0.3 ac).

PROPOSAL

The purpose of the application is to provide relief from the minimum side and rear yard setbacks, and the maximum height requirements for an accessory structure. The applicant is proposing to construct a detached garage/shed closer to the lot lines and taller in height than permitted.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated HAMLET AREA. Permitted uses include single detached dwellings. 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

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with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Unserviced Residential (R1A). Permitted uses include single detached dwellings and accessory buildings.

Below is a list of the requested variances to facilitate the construction of the new detached garage/shed.

	Required	Proposed	Difference
Minimum Side Yard and Rear Yard Setback Section 6.1.2 c)	3.0 m (9.8 ft.)	1.52 m (5.0 ft)	1.48 m (4.8 ft.)
Maximum Height Section 6.1.3	Average height between the eaves and ridge - 4.5 m (14.8 ft.)	4.61m (15.13 ft.)	0.11 m (0.36 ft.)

No concerns with requested relief. Access and drainage can be maintained.

CORRESPONDENCE/COMMENTS RECEIVED

Michael Oberle, Environmental Planning Technician, Saugeen Valley Conservation Authority

- Proposed minor variance is acceptable

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 questions regarding the application.

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

No one made oral and/or written submissions against the proposed minor variance.

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COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions.

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 2017-17

Moved by: Member Burke

Seconded by: Member McCabe

THAT the minor variance applied for in Application A08/17, for the property described as Part Lot 1, Concession 14, geographic Township of West Luther, 21 Wood Street, Conn, to provide the following relief:

- 1. THAT a minimum Side Yard and Rear Yard Setback of 1.52 m (5 ft.) be permitted, whereas section 6.1.2 c) of the By-law requires 3.0 m (9.8 ft.).*
 - 2. THAT a maximum Accessory Building Height of 4.16 m (15.13 ft.) be permitted, whereas section 6.1.3 of the By-law requires 4.5 m (14.8 ft.).*
- be authorized.*

CARRIED

APPLICATION A06/17

Owners/Applicant: 2551405 Ontario Ltd.

The location of the subject property is described as Mount Forest James Ellis Survey, Part Lot 8, Part Park Lot 9, S Queen Street, RP 61R20624, Parts 2 to 4 with a civic address of 480 Queen Street West, Mount Forest. The subject land is approximately 0.22 ha (0.54 ac).

The purpose and effect of the application is to reduce the required minimum side yard setbacks, drainage ditch setback, and the buffer area requirements to adjacent properties. The applicant is proposing to construct a 6-unit residential building. Other variances may be considered where deemed appropriate.

NOTICE OF THIS MEETING was mailed on August 24, 2017 to those who signed in at the July 10, 2017 Committee of Adjustment Hearing.

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PRESENTATION

Curtis Marshall, Senior Planner, reviewed his comments dated August 14, 2017.

PLANNING COMMENTS: This application was previously deferred by the Committee of Adjustment to allow for the site plan application to be circulated for reviewed. The site plan application was circulated in July 2017 and technical review comments were recently provided to the applicant.

The applicant is proposing to construct a 6-plex rental building on the property and is requesting variances to provide relief from: the requirement for a common entrance/hallway, the required minimum side yard setbacks, drainage ditch setback, and the buffer area requirements to adjacent properties

We have no concerns with the requested relief from the requirement to have a common entrance and interior hallway, and the requested setback reductions to the drainage ditch, side and rear yards. These variances maintain the general intent and purpose of the Official Plan and Zoning By-law, are minor, and are desirable and appropriate for the development of the subject property.

We cannot however fully support the requested buffering relief. We can support the request to eliminate buffering along the east property line/side yard (along 460 Queen St.) however we cannot support the request along the western property line/side yard (along 480 Queen St. and 330/340 Cork St.). We have provided alternative wording for the Committees consideration which would require a landscape planting as an alternative to the required buffering along the western property line/side yard.

SUBJECT PROPERTY AND LOCATION

The subject lands are described as Mount Forest James Ellis Survey, Part Lot 8, Part Park Lot 9, S Queen Street, RP 61R20624, Parts 2 to 4 with a civic address of 466 Queen Street, Mount Forest. The subject land is approximately 0.22 ha (0.54 ac).

PROPOSAL

The variances requested would provide relief from: the requirement for a common entrance/hallway, the required minimum side yard setbacks, drainage ditch setback, and the buffer area requirements to adjacent properties. The applicant is proposing to construct a 6-unit residential building.

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

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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 High Density Residential with a site specific exception (R3-54). Permitted uses include apartment dwellings. The applicant is proposing to construct a 6-unit residential building.

Below is list of requested variances to facilitate the proposal:

	Required	Proposed	Support
Definition of Apartment Dwelling	Apartment means a residential dwelling that contains five or more residential dwelling units, which have a common entrance from street level and are served by a common corridor or hallway from inside.	Apartment does not have a common entrance from street level and units are not served by a common corridor or hallway from inside.	Yes
Exception 32.54 3) Minimum setback to drainage ditch	12.2 m (40 ft)	6.97 m (22.86 ft.)	Yes
Section 13.2.3.4 Minimum Interior Side Yard	Half the building height but in no case not less than 3.0 m (9.8 ft)	4.31 m (14.14 ft.)	Yes
Section 6.3 Buffer Area	1.5 m (4.92 ft) planting strip or fence	None along east property boundary, and part of west property boundary. *See Figure 1 above for clarification.	Not Fully

Below is a list of additional recommended housekeeping variances Planning Staff have identified. These variances recognize relief that has already been approved by Council for the property, and if approved would result in a site specific exception no longer being necessary for the property. The exception could then be removed as part of a future housekeeping review of the Zoning By-law.

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Recommended House Keeping Variances:
<ul style="list-style-type: none">• To permit a minimum lot frontage of 15.55 m (51.0 ft)
<ul style="list-style-type: none">• To permit required parking in front of the face wall of the building and to encroach 0.15 m (0.49 ft) into the required 1.5 m (4.92 ft) buffer.

PLANNING DISCUSSION

Apartment Definition and Setbacks

We have no concerns with the requested relief from the requirement to have a common entrance and interior hallway, and the requested setback reductions to the drainage ditch, side and rear yards. Saugeen Conservation has indicated that they have no concerns with the reduced setback to the drainage ditch.

Buffering

In regards to the requested buffer area relief, we have no concerns with the request to not provide a buffer area along the eastern lot line adjacent to 460 Queen St. as this property is also developed as a multi-unit building and a parking lot is being proposed to be constructed adjacent to an existing parking lot. We cannot however support the request to fully eliminate a buffer area along the western lot line adjacent to 480 Queen St. (side yard) and 330 Cork St. (rear yard). We understand that the applicant would prefer that this area not be buffered to provide residents of the building with a wide open view, and we recognize that a fence in this location may not be ideal for future residents of the building, however there is sufficient room to provide buffering in accordance with the By-law. Section 6.3 of the By-law requires a 1.5 m buffer consisting of a planting strip made up of a continuous row or trees, evergreens or shrubs, and/or a berm. A fence may also be permitted in place of a planting strip subject to site plan control.

A compromise Planning Staff could support would be to require tree/shrub plantings along the property line which are not continuous (solid planting). This planting would provide some buffering between uses, while providing a “less enclosed” view from the proposed apartments. We have provided the following variance wording for the Committees consideration related to buffering:

Recommended Buffering Variance Wording:
<ul style="list-style-type: none">• To permit that a buffer area not be provided along the east property line adjacent to 460 Queen St. (side yard) and that along part of the west property line adjacent to 480 Queen St. (side yard) and 330/340 Cork St. (rear yard) landscape planting shall be permitted in place of a buffer area or fence subject to site plan approval by the Township.”

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CORRESPONDENCE/COMMENTS RECEIVED

Erik Downing, Manager, Environmental Planning & Regulations, Saugeen Valley Conservation Authority

- Proposal is generally acceptable. Recommendation to address drainage via approved engineer's report

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, co-owners Peter MacKenzie and Josh Albano, were present to answer questions regarding the application.

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

Pieter Hoogendoorn, 480 Queen Street West, Mount Forest, stated that he would prefer a fence or continuous planting as a buffer.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe inquired about the relief from the definition of Apartment Dwelling to not have a common entrance. He questioned if a common entrance was needed for safety issues or for security. Curtis Marshall, Senior Planner, explained that if the zoning by-law included a definition for six-plex this relief would not be needed. Darren Jones, CBO, stated that there are no safety concerns related to the Building Code.

Councillor Burke stated that she was in favour of the proposal but would like to see buffering at 480 Queen Street and 330 Cork Street. Curtis Marshall, Senior Planner, stated that the original suggestion was a buffer along the full length. After further review it is suggested that there be buffering along the side of 480 Queen Street and no buffering along 330 Cork Street.

The co-owners commented that they wish to create an environment where tenants would not be viewing a fence but a planted area and suggested they

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would plant trees. The definition of buffering includes a fence or a continuous planting; which would be shrubs. The neighbouring property at 460 Queen Street West has no buffering, as relief from buffering has been provided. They are okay with planting trees but don't want to restrict the view with a fence.

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 2017-18

Moved by: Member Burke

Seconded by: Member McCabe

THAT the minor variance applied for in Application A06/17, for the property described as James Ellis Survey, Pt Lt 8, Pt Pk Lt 9, S Queen St., RP 61R20624, Pts 2 to 4 (466 Queen Street West, Mount Forest, ON), to provide the following relief

1. *THAT the definition of Apartment Dwelling be defined as a residential dwelling that contains five or more residential dwelling units, whereas section 5.197.2 of the By-law defines Apartment Dwelling as a residential dwelling that contains five or more residential dwelling units, which have a common entrance from street level and are served by a common corridor or hallway from inside;*
2. *THAT a minimum setback to a drainage ditch of 6.97 m (22.86 ft.) be permitted, whereas Exception 32.54 of the By-law requires 12.2 m (14.8 ft.);*
3. *THAT the Buffer Area not be required as follows:*
 - a. *The entire east property boundary, adjacent to 460 Queen Street West;*
 - b. *The west property boundary, adjacent to 330 Cork Street;*
4. *THAT a minimum Lot Frontage of 15.55 m (51.0 ft.) be permitted, as specified within Exception 32.54 of the By-law;*
5. *THAT parking be permitted in front of the face of the wall of the building and to encroach 0.15 m (0.49 ft.) into the required 1.5 m (4.92 ft.) buffer area, as specified within Exception 32.54 of the By-law.*

be authorized.

CARRIED

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ADJOURNMENT

RESOLUTION NUMBER CoA 2017-19

Moved by: Member McCabe

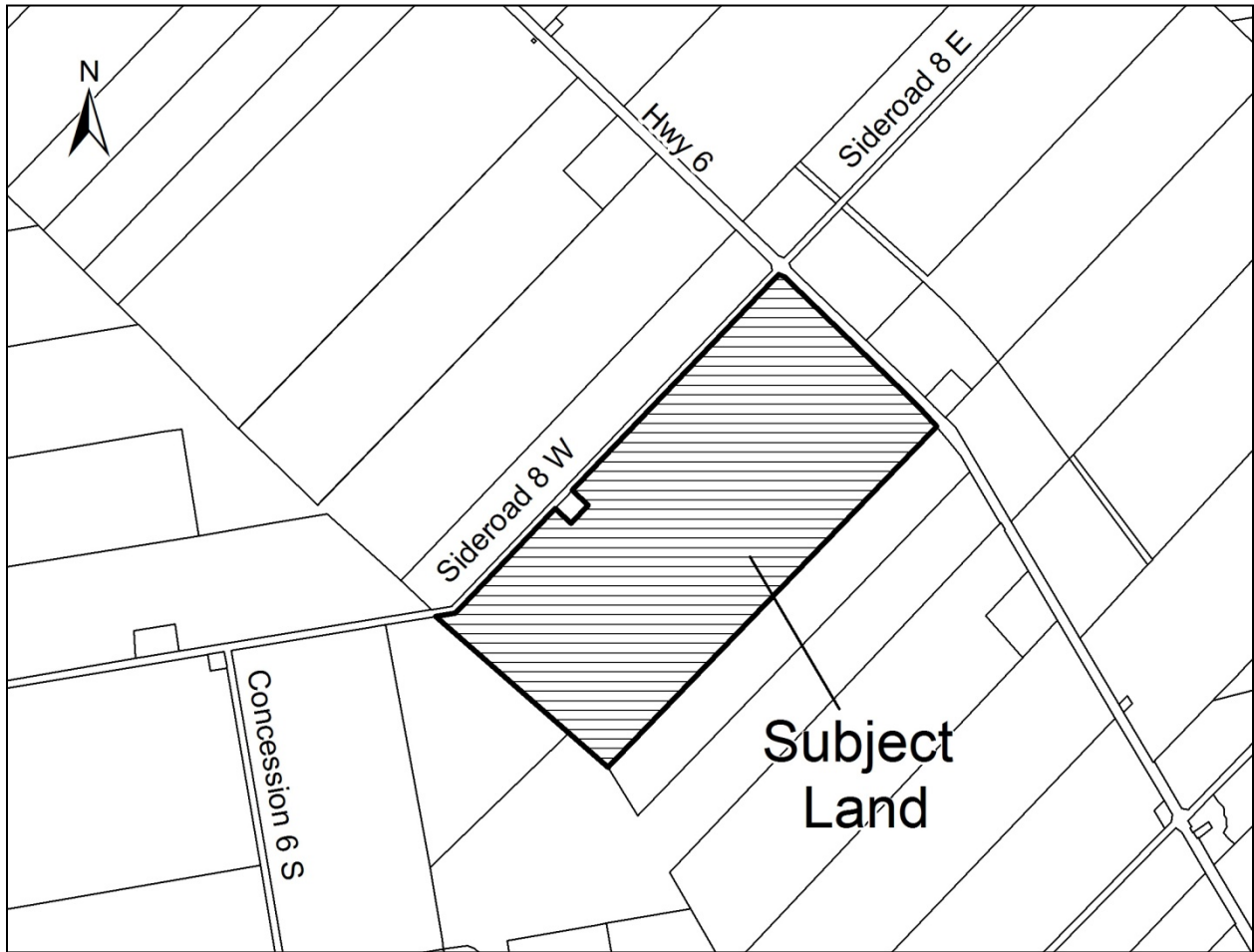
Seconded by: Member Burke

THAT the Committee of Adjustment meeting of August 28, 2017 be adjourned at 7:30 p.m.

CARRIED

Secretary Treasurer

Acting Chair



A09-17 – Lloyd, Stuart and Mark Wright



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

October 16, 2017

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 A09/17**
Lot 25, WOSR DIVS 1 to 4, Geographic Township of Arthur
7591 Sideroad 8 West
Stuart, Lloyd and Mark Wright

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

Planning Comments: The variances requested would permit the construction of a new dairy barn and liquid manure tank. The manure tank is being located to allow for gravity flow from the new barn to the tank. The location of the proposed barn and manure tank do not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling.

We have no concerns with the relief requested for the barn addition. The location of the proposed new barn and liquid manure tank 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 property is described as Lot 25, WOSR DIVS 1 to 4, with a civic address of 7591 Sideroad 8 West. The subject property has an area of approximately 79.7 ha (197 ac) and is occupied by a farming operation including a dwelling, barns and sheds.

PROPOSAL

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirement from the nearest neighbours dwelling for a proposed new dairy barn and liquid manure tank.

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

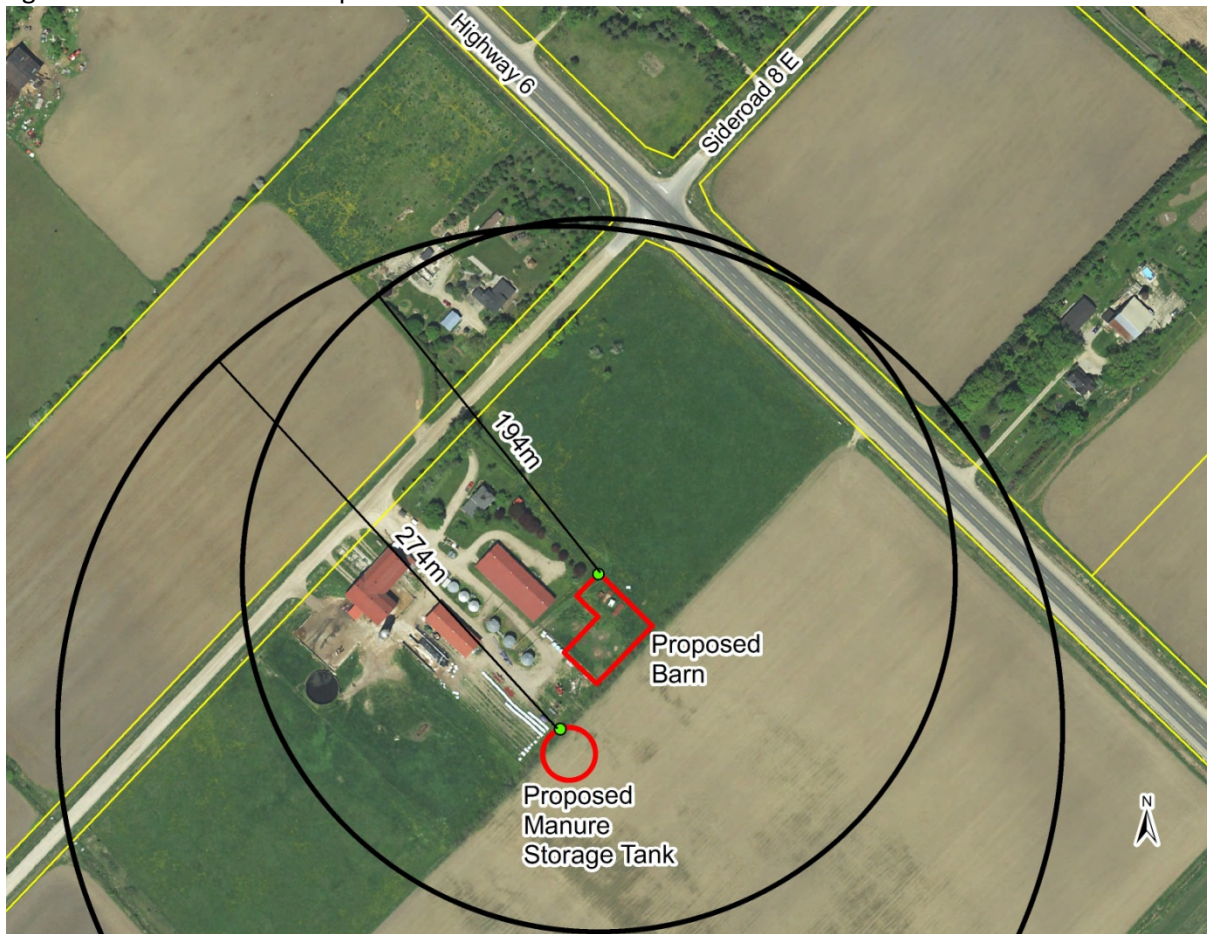
The subject property is zoned Agricultural (A) and Natural Environment (NE). The location of the proposed new barn and liquid manure tank do not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling.

According to the calculations submitted with the application all other MDS requirements can be met.

The following relief is required:

	Required	Proposed	Difference
New Dairy barn MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	194 m (636 ft.)	159 m (523 ft.)	35 m (113 ft.)
New Manure Tank MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	274 m (901 ft.)	219 m (717 ft.)	55 m (184 ft.)

Figure 1: MDS Arcs from Proposed Barn and Manure Tank



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

Yours truly,

Curtis Marshall, MCIP, RPP