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Committee of Adjustment

Monday, December 4th, 2017

2:00 p.m.

Municipal Office Council Chambers, Kenilworth

AGENDA

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, November 6th, 2017 (A10-17)	1
<u>APPLICATION A11-17</u>	
<u>OWNERS/APPLICANT</u>	
- Richard and Sandra Bulley	
<u>LOCATION OF THE SUBJECT LAND</u>	6
The location of the subject property is described as Part Lot 71, Concession 3 (geographic Township of Egremont), RP 61R-6963 with a civic address of 581 Wellington Street East. The subject land is approximately 0.44 ha (1.1 acres).	

AGENDA ITEM	PAGE NO.
<p data-bbox="186 279 1024 317"><u>PURPOSE AND EFFECT OF THE APPLICATION</u></p> <p data-bbox="186 359 1273 573">The purpose and effect of the application is to provide relief from the maximum floor area and height requirements for a proposed accessory structure on the subject property. The applicants are proposing to remove an existing barn/shed and replace it with a new accessory storage building that exceeds the permitted size (area) and height. Other variances may be considered where deemed appropriate.</p> <p data-bbox="186 615 662 653"><u>SECRETARY TREASURER</u></p> <p data-bbox="186 695 1273 800">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 November 23rd, 2017.</p> <p data-bbox="186 842 508 879"><u>PRESENTATIONS</u></p> <p data-bbox="186 921 813 959">Curtis Marshall, MCIP, RPP, Senior Planner</p> <ul data-bbox="235 959 630 997" style="list-style-type: none">- See attached comments <p data-bbox="186 1031 1073 1068"><u>CORRESPONDENCE FOR COMMITTEE'S REVIEW</u></p> <p data-bbox="186 1110 277 1148">None.</p> <p data-bbox="186 1182 862 1220"><u>REQUEST FOR NOTICE OF DECISION</u></p> <p data-bbox="186 1262 1273 1329">Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.</p> <p data-bbox="186 1371 850 1451"><u>CHAIRMAN OPENS FLOOR FOR ANY COMMENTS/QUESTIONS</u></p> <p data-bbox="186 1493 1273 1560">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 1602 1273 1669">Are there any persons present who wish to make oral and/or written submissions against this application?</p>	<p data-bbox="1369 900 1390 938">7</p>

AGENDA ITEM	PAGE NO.
<u>COMMENTS/QUESTIONS FROM THE COMMITTEE</u> <u>ADJOURNMENT</u>	

**TOWNSHIP OF WELLINGTON NORTH
COMMITTEE OF ADJUSTMENT
MONDAY, NOVEMBER 6, 2017 – 2:00 P.M.
A10/17**

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

Members Present: Chairman: Andy Lennox
Lisa Hern
Steve McCabe
Dan Yake

Member Absent: Sherry Burke

Also Present: Secretary-Treasurer, Clerk: Karren Wallace
CAO/Deputy Clerk: Michael Givens
Deputy Clerk: Catherine Conrad
Treasurer: Kimberly Henderson
Chief Building Official: Darren Jones
Economic Development Officer: Dale Small
Human Resources Manager: Chanda Riggi
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 2017-23

Moved by: Member Yake

Seconded by: Member McCabe

THAT the Committee of Adjustment meeting minutes of October 23, 2017, Application A09/17 be adopted as presented.

CARRIED

APPLICATION A10/17

Owners/Applicant: Allette Holsteins Ltd.

The location of the subject property is described as Part Lot 3, Concession 6, geographic Arthur, Township, with a civic address of 9531 Concession 6 N. The subject land is approximately 37.56 ha (92.81 acres) and is occupied by an existing dairy operation.

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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 an existing dairy barn. The required MDS 2 distances to two neighbouring dwellings and the road allowances (Concession 6 N & Sideroad 2 E) cannot be met. 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 October 25, 2017 pursuant to the provisions of the Planning Act.

PRESENTATION

Curtis Marshall, Senior Planner, reviewed his comments dated October 30, 2017.

Planning Comments: The variances requested would permit the expansion of an existing dairy barn. The location of the expansion does not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling and the adjacent road allowances (Concession 6N & Sideroad 2E).

We have no concerns with the relief requested for the barn addition. The location of the proposed addition provides operational efficiency and locating the building addition in another location would cause similar MDS II conflicts as the existing nearest neighbours dwelling is 86 m (282 ft.) away. 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 Part Lot 3, Concession 6, with a civic address of 9531 Concession 6 N, geographic Township of Arthur. The subject land is approximately 37.56 ha (92.81 acres) and is occupied by an existing dairy operation. The location of the property is shown on the map below.

PROPOSAL

The purpose of this application is to provide relief from the minimum distance separation (MDS II) setback requirement from the nearest neighbours dwelling and the adjacent road allowances (Concession 6N & Sideroad 2E) for a proposed barn addition.

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

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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 barn addition does not meet the minimum distance separation (MDS II) from the nearest neighbours dwelling and the adjacent road allowances (Concession 6N & Sideroad 2E).

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

The following relief is required:

	Required	Proposed	Difference
Dairy Barn Addition MDS II setbacks to Type A Uses (Sections: 6.17.2 & 8.8)	226 m (740 ft.)	71 m (233 ft.)	155 m (508.5 ft.)
MDS II setbacks to Road Allowance- Concession 6N (Sections: 6.17.2 & 8.8)	45 m (148 ft.)	28 m (92 ft.)	17 m (184 ft.)
MDS II setbacks to Road Allowance- Sideroad 2 E (Sections: 6.17.2 & 8.8)	45 m (148 ft.)	41 m (134.5 ft.)	4 m (13 ft.)

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CORRESPONDENCE/COMMENTS RECEIVED

Michael Oberle, Environmental Planning Technician, SVCA

- The proposed minor variance is acceptable to SVCA staff

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.

Nikolas Kohek, 978 First Ave. W., Owen Sound, the applicant's agent was present to answer questions regarding the application. He explained that the existing barn already does not conform. There is no reasonable alternative for expansion due to location of barn and existing manure storage.

- 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

The Committee inquired how many days of storage the expansion will allow for and if it was sufficient. The applicant advised that there will be enough room for 360 days storage, which is sufficient.

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 2017-24

Moved by: Member McCabe

Seconded by: Member Yake

THAT the minor variance applied for in Application A10/17, for the property described as Part Lot 3, Concession 6, Geographic Arthur Township (9531 Concession 6 North), to provide the following relief:

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A10/17**

1. *THAT an MDS II Setback to a Type A Land Use of 71 m (233 ft.) for a dairy barn addition be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 226 m (740 ft.).*
2. *THAT an MDS II Setback to a road allowance (Concession 6 North) of 28 m (92 ft.) for a dairy barn addition be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 45 m (148 ft.).*
3. *THAT an MDS II Setback to a road allowance (Sideroad 2 East) of 41 m (134.5 ft.) for a dairy barn addition be permitted, whereas section 6.17.2 & 8.8 of the By-law requires 45 m (148 ft.).*

be authorized.

CARRIED

ADJOURNMENT

RESOLUTION NUMBER CoA 2017-25

Moved by: Member McCabe

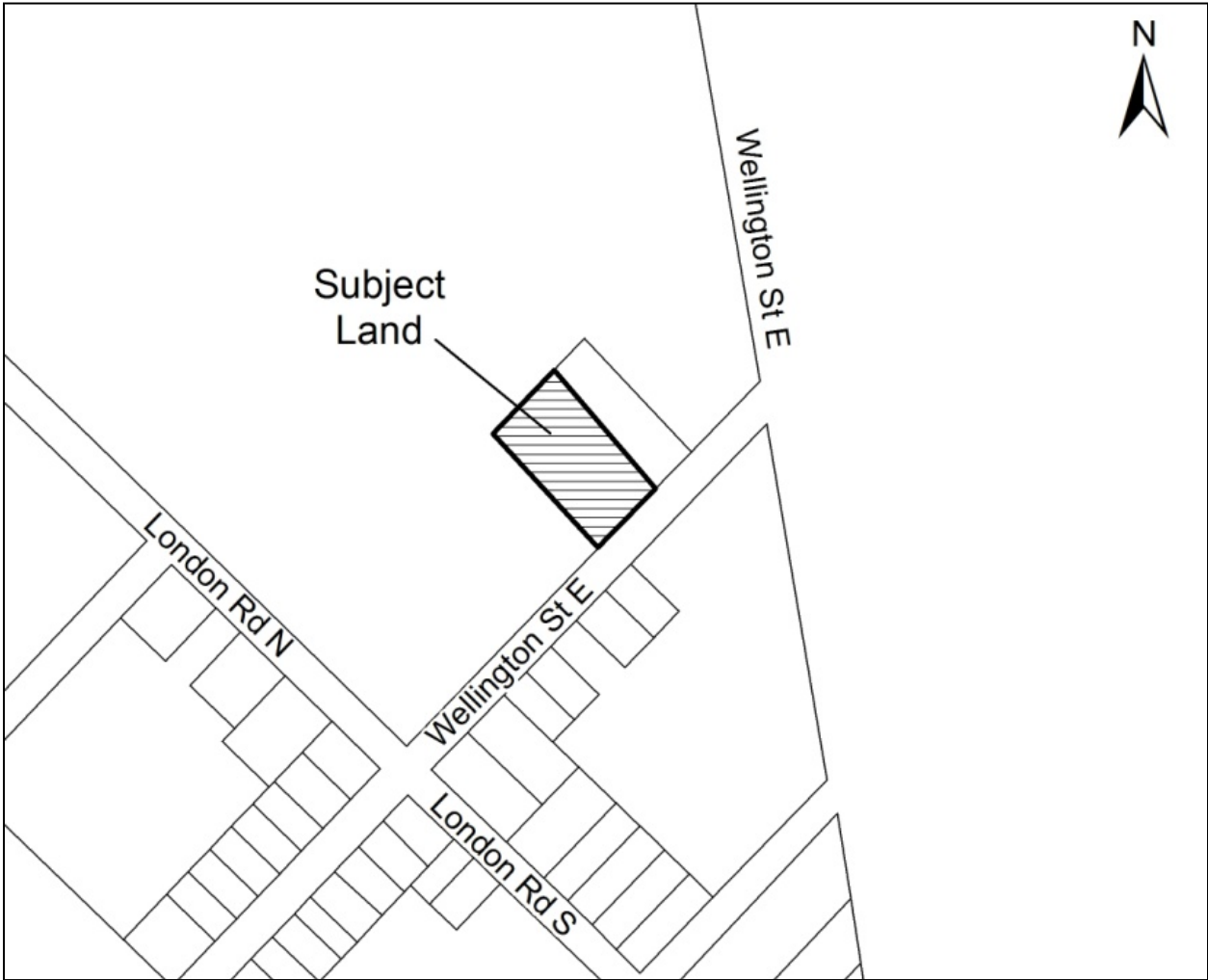
Seconded by: Member Yake

THAT the Committee of Adjustment meeting of November 6, 2017 be adjourned at 2:14 p.m.

CARRIED

Secretary Treasurer

Chair



A11-17 – Richard and Sandra Bulley



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR
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ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
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November 27, 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 A11/17**
Part Lot 71, Concession 3 (Egremont), RP 61R-6963
581 Wellington Street E., Mount Forest
Richard & Sandra Bulley

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

Planning Comments: The variances requested provide relief from the maximum height and ground floor area requirements for accessory buildings to permit the construction of a 371.2 m² (3996.0 ft²) detached garage with a height of 5.48 m (18.0 ft). An existing shed/barn with a ground floor area of 166.5 m² (1792.0 ft²) and a height of 7.32 m (24.0 ft) is to be removed. The applicant has indicated that the use of the garage is for personal use (hobbies).

The new garage is proposed to be located in nearly the same location as the existing shed/barn which is to be removed, however the new garage is 204.76 m² (2204.0 ft²) larger in ground floor area. It is Planning Staff's opinion that the proposed garage is too large in size and height for the property. The proposed garage has over twice the ground floor area of the dwelling 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 garage is also 4 times larger (a 300% increase) than permitted by the By-law which is not a "minor" increase. Consideration could be given to reduce the proposed size and height of the garage in order for it to be more appropriately sized on the lot and for the neighbourhood.

The Committee should be satisfied that the application would maintain the general intent and purpose of the Official Plan and Zoning By-law, is desirable and appropriate for the development of the subject property and is minor. In addition, the Committee should be satisfied that the proposed accessory building is intended for personal use and not for commercial purposes.

SUBJECT PROPERTY AND LOCATION

The location of the property is described as Part Lot 71, Concession 3 (Egremont), RP 61R-6963, 581 Wellington Street E., Mount Forest. The subject land is approximately 0.45 ha (1.1 acres) and is occupied by a dwelling and a shed/barn. The location of the property is shown on Figure 1 below.

PROPOSAL

The variances requested provide relief from the maximum height and ground floor area requirements for accessory buildings to permit the construction of a 371.2 m² (3996.0 ft²) detached garage with a height of 5.48 m (18.0 ft). An existing shed/barn with a ground floor area of 166.5 m² (1792.0 ft²) and a height of 7.32 m (24.0 ft) is to be removed. The applicant has indicated that the use of the garage is for personal use (hobbies).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is located in the Mount Forest Urban Area and is designated FUTURE DEVELOPMENT. Existing uses are permitted in the FUTURE DEVELOPMENT area.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Future Development (FD). Permitted uses include one single detached dwelling and accessory buildings.

The following relief is requested:

	Zoning By-Law (66-01)		
	Required	Requested	Difference
Maximum Ground Floor Area of all Accessory Buildings (Section 6.1.4 b)	92.9 m ² (1000.0 ft ²) on a lot less than 0.8 ha/2.0 ac	371.2 m ² (3996.0 ft ²)	278.3 m ² (2996.0 ft ²)
Maximum Height for an Accessory Building (Section 6.1.3)	4.57 m (15.0 ft)	5.48 m (18.0 ft)	0.91 m (3.0 ft)

Figure 1: Air Photo Showing Proposed Garage (approximate size and shape)



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

Yours truly,

Curtis Marshall, MCIP, RPP