

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT – JULY 6, 2020 @ 7:00 P.M.
VIA WEB CONFERENCING**

HOW TO JOIN

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/89775625226>

Description: Public Meeting Under the Planning Act

Or join by phone:

Canada: 855 703 8985 (Toll Free)

Webinar ID: 897 7562 5226

**PAGE
NUMBER**

CALLING TO ORDER - Mayor Lennox

DISCLOSURE OF PECUNIARY INTEREST

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, June 8, 2020 (A05/20, A06/20)

4

Recommendation:

THAT the Committee of Adjustment meeting minutes of June 8, 2020 – A05/20 & A06/20 be adopted as presented.

APPLICATION

A04/20 – Enoch Martin

THE LOCATION OF THE SUBJECT is described as Concession 14, West Part Lot 17 and is Municipally known as 8691 Highway 89, Geographic Township of West Luther. The property is approximately 40.64 ha (100 ac) in size. The location of the property is shown on the map attached.

11

THE PURPOSE AND EFFECT of the application is to provide relief from the maximum floor area requirements for a proposed home industry (welding and machine shop) on the subject property. The proposed variances will permit an increased floor area of 371.6 m² (4,000 ft²), whereas the zoning by-law permits a maximum floor area of 232.25 m² (2,500 ft²). Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on June 23, 2020.

PRESENTATIONS

Jessica Rahim, Planner, County of Wellington, Township of Wellington North

- Planning Report dated June 22, 2020

12

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Laura Warner, Resource Planner, Grand River Conservation Authority

- Plan Review Report dated June 29, 2020 (No Objection) 15
- Grand River Conservation Authority Map 17

REQUEST FOR NOTICE OF DECISION

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

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

COMMENTS/QUESTIONS FROM THE COMMITTEE

DECISION

CALL FOR VOTE-SHOW OF HAND (no mover/seconder required)

THAT the minor variance applied for in Application A04/20, for the property described as Concession 14, West Part Lot 17 and is Municipally known as 8691 Highway 89, Geographic Township of West Luther, to provide the following relief;

1. **THAT an increased maximum floor area of 371.6 m² (4,000 ft²) be permitted, for a proposed home industry (welding and machine shop), whereas the By-Law permits a maximum of 232.25 m² (2,500 ft²).**

APPLICATION

A05/20 – Gerrit Rien & Janneke Dekker

THE LOCATION OF THE SUBJECT PROPERTY is described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6. The subject land is approximately 40 ha (98.8 ac). The location of the property is shown on the map attached. 18

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage. The proposed variances will permit a reduced side yard setback of 4.5 m (15 ft) whereas the by-law requires 18.3 m (60 ft) for accessory building to an agricultural use. Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on June 23, 2020.

PRESENTATIONS

Jessica Rahim, Planner, County of Wellington, Township of Wellington North

- Planning Report dated May 26, 2020 19

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Noah & Verna Martin

- Letter dated June 4, 2020 (Objection) 21

Francis & John MacVicar

- Letter dated June 29, 2020 (No Objection) 22

Normal Farm Practices Board

- Letter to Kent Benson dated June 30, 2020 23

Andrew Barrie, OMAFRA

- Email dated July 2, 2020 24

Scott Hartle, Dairy Farmers of Ontario (In Support)

- Email dated July 3, 2020 26

REQUEST FOR NOTICE OF DECISION

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

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

COMMENTS/QUESTIONS FROM THE COMMITTEE

DECISION

CALL FOR VOTE: SHOW OF HANDS (no mover/seconder required)

THAT the minor variance applied for in Application A05/20, for the property described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6, to provide the following relief;

1. **THAT a reduced Interior Side Yard Setback of 4.6m (15 ft) be permitted, for a proposed bunker silo feed storage accessory building, whereas the By-Law requires 8.3m (60 ft).**

ADJOURNMENT

Recommendation:

THAT the committee of adjustment meeting of July 6, 2020 be adjourned.

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
JUNE 8, 2020 @ 7:00 P.M.
VIA WEB CONFERENCING**

Members Present:

Chair: Andrew Lennox
Sherry Burke
Lisa Hern
Steve McCabe
Dan Yake

Staff Present:

Chief Administrative Officer:	Michael Givens
Director of Legislative Services/Clerk:	Karren Wallace
Deputy Clerk:	Catherine Conrad
Chief Building Official:	Darren Jones
Manager of Planning and Environment:	Linda Redmond

CALLING TO ORDER - Mayor Lennox

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest disclosed.

MINUTES OF PREVIOUS MEETING(S)

RESOLUTION: CoA 2020-014

Moved: McCabe

Seconded: Yake

THAT the Committee of Adjustment meeting minutes of February 24, 2020 – A02/20 & A03/20 be adopted as presented.

CARRIED

APPLICATION

A05/20 – Gerrit Rien & Janneke Dekker

THE LOCATION OF THE SUBJECT PROPERTY is described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6. The subject land is approximately 40 ha (98.8 ac).

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage. The proposed variances will permit a reduced side yard setback of 4.5 m (15 ft) whereas the by-law requires 18.3 m (60 ft) for accessory building to an agricultural use. Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on May 26, 2020.

PRESENTATIONS

Linda Redmond, Manager of Planning and Environment reviewed comments provided by Jessica Rahim, Planner, County of Wellington, Township of Wellington North

- Planning Report dated May 26, 2020

PLANNING OPINION: The variance requested is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage area. The proposed variance will permit a reduced side yard setback of 4.5 m (15 ft) whereas the Zoning By-law requires a minimum setback of 18.3m (60 ft) for accessory buildings to an agricultural use.

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 DIVS 1 to 2 Lots 15 WOSR (Arthur Township) and is Municipally known as 9356 Highway 6. The property is approximately 40 ha (98.8 ac) in size.

PROPOSAL

The purpose of this application is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage. The proposed variances will permit a reduced side yard setback of 4.5 m (15 ft) whereas the by-law requires 18.3 m (60 ft) for accessory building to an agricultural use.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. The farm building cluster is well removed from the Greenlands area. 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), Agricultural Exception (A-1) and Natural Environment (NE). The proposed bunker silos are to be located within the A-1 zone portion of the property. The A-1 zone permits all uses permitted within the A zone except that new livestock facilities shall not be permitted. The applicants are proposing to construct three bunker silos to store their feed for the existing livestock barns on the property. The bunker silos are considered an accessory use to the farm and are therefore permitted within the A-1 zone. The proposed bunker silo location is within the existing farm building cluster on the subject property, and the feed is currently stored outside in a pile at this location with no required setback. The 4.6m (15 ft) setback allows for sufficient space to maintain the side of the bunker silo and there does not appear to be any impacts on neighbouring properties.

The variance requested would provide relief from Section 8.2.4 d) of Zoning By-law 66-01 to allow for a reduced side yard setback of 4.6 m (15 ft) to permit a bunker silo within the farm building cluster.

Accessory Bunker Silo	Permitted	Proposed	Difference
Interior Side Yard Setback (Section 8.2.4. d)	18.3m (60.0 ft)	4.6 m (15 ft)	13.7 m (45 ft)

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Noah & Verna Martin

- Letter dated June 4, 2020, objection to a reduction in the side yard setback

REQUEST FOR NOTICE OF DECISION

A copy of the Notice of Decision will be sent to everyone on the circulation list.

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

Rien Dekker, Applicant, was present via Zoom (audio and visual) to provide comments in support of the application. Mr. Dekker explained the bunker silo in question is two of three, one of which did not require a minor variance. The opening will face the southwest and the back wall will be backfilled and seeded so that it will not be visible from the highway or to neighbours across the road. He noted bunker silos improve feed quality and odour will be reduced and felt there would be a minimum impact on neighbours. In response to the concerns expressed in Noah and Verna Martin's letter of objection dated June 4, 2020, Mr. Dekker indicated he can easily drive his equipment within the 15 ft side yard and the barn does meet the required setbacks. He noted the odour issue referred to by Mr. Martin pending a resolution at the Normal Farm Practices and Protection Board hearing, but it has been delayed due to COVID 19.

Kent Benson, 9357 Highway 6, was present via telephone to object to the application. He questioned how this application can proceed when there is a pending hearing at the Normal Farm Practices and Protection Board, why a building permit was issued for the bunker silo and work started prior to this meeting for the minor variance. Mr. Benson stated there is cement poured with rebar in place for walls and that the Building Inspector had done an inspection. He indicated that he has a letter from Ontario Ministry of Agriculture Food and Rural Affairs (OMAFRA) that indicates the barn is too close to neighbouring properties.

Mayor Lennox explained that a building permit was issued for the first bunker of the 3 bunker silo because it met the required setbacks and didn't require a minor variance and that a permit is not required to pour a concrete slab.

Mr. Noah Martin owner of 9372 Highway 6 had registered to speak in opposition by telephone, however due to another commitment he did not speak. He did make a written submission that appeared in the agenda package.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe inquired if the Committee could make a decision at this time, in light of the pending Normal Farm Practices and Protection Board hearing. Darren Jones, Chief Building Official explained that a decision could be made as the two items are not related.

Councillor Burke said she appreciates the fact that Mr. Dekker wants to keep everything within the farm cluster, she does not feel the application is minor in nature and asked if there is any consideration given to moving the silos to another location on the property. Mr. Dekker explained that all feed storage is close to this area so he would like to keep everything together. Feed can still be stored there without the bunker silo and the need for a minor variance but noted it would be visible to the neighbours and there could possibly be more odour.

Councillor Yake questioned if the applicant understood the risk in putting the concrete pad in place prior to obtaining the minor variance and Mr. Dekker responded that he did understand the risk if the variance wasn't granted.

Mayor Lennox stated that Mr. Dekker has been storing silage on the ground in that area and if it were located in a bunker silo it would reduce odours and produce a better quality feed.

Mayor Lennox inquired if any other adjacent property owners had any objection and Darren Jones, Chief Building Official, responded that there was no correspondence received from any other adjoining neighbour.

Councillor McCabe asked if there was any harm in waiting until after the Normal Farm Practices and Protection Board hearing, noting if a decision is delayed by a month there is still time for crops.

Councillor Hern supported a wait and see approach.

Mr. Dekker commented that the bunker silo is a separate issue and has nothing to do with the issue at the Normal Farm Practices and Protection Board, advising it is crop season and he would like to finish the bunker to store feed.

Mayor Lennox stated the minor variance is a separate issue from the issue before the Board and it is inappropriate to consider them as if they were.

DECISION

RESOLUTION: CoA 2020-015

Moved: Yake

Seconded: Burke

THAT the minor variance applied for in Application A05/20, for the property described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6, to provide the following relief;

- 1. THAT a reduced Interior Side Yard Setback of 4.6m (15 ft) be permitted, for a proposed bunker silo feed storage accessory building, whereas the By-Law requires 8.3m (60 ft).*

be denied.

DEFEATED

RESOLUTION: CoA 2020-016

Moved: McCabe

Seconded: Hern

THAT the minor variance applied for in Application A05/20, for the property described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6, to provide the following relief;

- 1. THAT a reduced Interior Side Yard Setback of 4.6m (15 ft) be permitted, for a proposed bunker silo feed storage accessory building, whereas the By-Law requires 8.3m (60 ft).*

Be deferred for 60 days, or less dependent on the Normal Farm Practices Protection Board hearing.

DEFEATED

RESOLUTION: CoA 2020-017

Moved: Lennox

Seconded: McCabe

THAT the minor variance applied for in Application A05/20, for the property described as DIVS 1 to 2 Lot 15 WOSR, geographic Township of Arthur, with a civic address of 9356 Highway 6, to provide the following relief;

- 1. THAT a reduced Interior Side Yard Setback of 4.6m (15 ft) be permitted, for a proposed bunker silo feed storage accessory building, whereas the By-Law requires 8.3m (60 ft).*

be authorized.

DEFEATED

APPLICATION

A06/20 – Bryce Switzer

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 24, Registered Plan 60R2314, Part 1 and is Municipally known as 310 John Street, Mount Forest, Geographic Town of Mount Forest. The property is approximately 0.06 ha (0.15 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum rear yard setback for a proposed single detached dwelling. The proposed variances will permit a reduced rear yard setback of 5.9 m whereas the by-law requires 7.6 m. Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on May 26, 2020.

PRESENTATIONS

Linda Redmond, Manager of Planning and Environment reviewed comments provided by Matthieu Daoust, Junior Planner, County of Wellington, Township of Wellington North

- Planning Report dated May 21, 2020

PLANNING OPINION: The variance requested would provide relief from the required rear yard setback. The applicants are proposing to construct a detached 1-storey residential dwelling with defiant rear yard setback.

Planning Staff have no concerns with the reduction of a rear yard to 5.9m (19.35') for a new house as this setback does still provide adequate distance from the neighboring dwelling, which is also buffered by a tree line.

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.

SUBJECT PROPERTY AND LOCATION

The property is described as Part Lot 24, RP 60R2314 PART 1, municipally known as 310 John St, Mount Forest. The subject property has an area of approximately 0.06 ha (0.15 ac) and is currently a vacant lot.

PROPOSAL

The variance requested would provide relief from the rear yard setback requirements. The applicants are proposing to construct a detached 1-storey dwelling with a rear yard setback

of 5.9m (19.35'), whereas Section 12.1.1.6 of the By-law 66-01, as amended, requires a minimum rear yard setback of 7.6m (24.9').

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated Central Business District. 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.

WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Residential (R2), which permits single detached residential dwellings. The applicant is proposing to construct a new single detached dwelling and requires the following variance:

Table 1	Zoning By-law (66-01)		
	Permitted	Requested	Difference
Single Detached Dwelling	7.6 m	5.9 m	1.7 m
Rear Yard Setback 12.2.1.6	(24.9')	(19.35')	(5.58')

Planning Staff have no concerns with the reduction of a rear yard setback to 5.9m (19.35') for a proposed detached dwelling as this distance does provide adequate separation from the neighbors dwelling.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Emily Vandermeulen, Risk Assessment Inspector, Wellington Source Water Protection

- Email dated May 29, 2020 (No Objection)
- Well Head Protection Area Map

Michael Oberle, Saugeen Conservation, Environmental Planning Technical

- Letter dated June 1, 2020 (No Objection)

REQUEST FOR NOTICE OF DECISION

A copy of the Notice of Decision will be sent to everyone on the circulation list.

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

The Applicant was not present to provide comments regarding the application. No one preregistered to present comments.

COMMENTS/QUESTIONS FROM THE COMMITTEE

The Committee members expressed their support for this application.

DECISION

RESOLUTION: CoA 2020-018

Moved: McCabe

Seconded: Burke

THAT the minor variance applied for in Application A06/20, for the property described Part Lot 24, Registered Plan 60R2314, Part 1 and is Municipally known as 310 John Street, Mount Forest, Geographic Town of Mount Forest, to provide the following relief;

1. *THAT a reduced Rear Yard Setback of 5.9m (19.35 ft) be permitted, for a proposed single detached dwelling, whereas the By-Law requires 7.6m (24.9 ft).*
be authorized.

CARRIED

ADJOURNMENT

RESOLUTION: CoA 2020-019

Moved: Hern

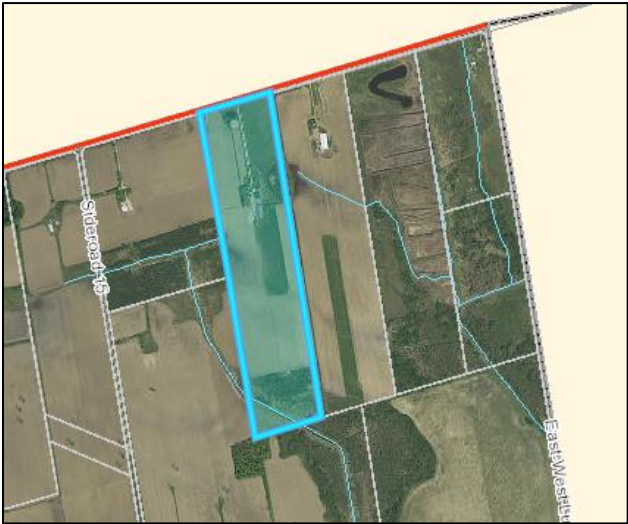
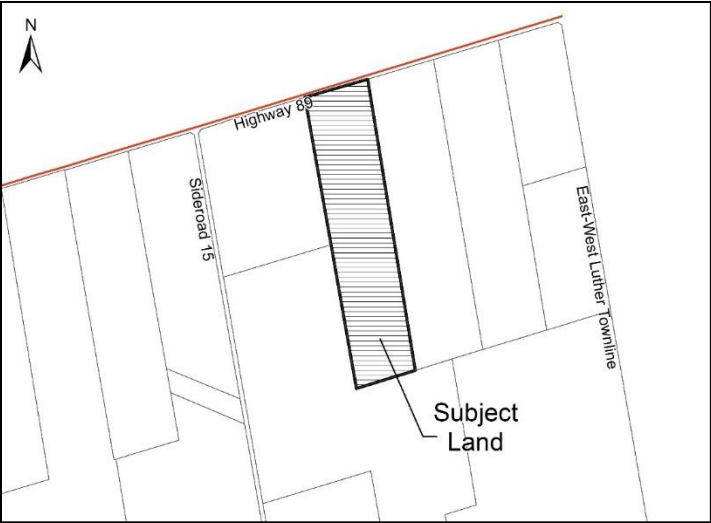
Seconded: Yake

THAT the Committee of Adjustment meeting of June 8, 2020 be adjourned at 7:58 p.m.

CARRIED

Secretary Treasurer

Chair





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

June 22, 2020

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 A04/20**
West Part Lot 17, Concession 14
8691 Highway 89
Enoch Martin

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 a home industry (welding and machine shop). The applicants are proposing to construct a 74.3 m² (800 ft²) addition to the existing 297.3 m² (3200 ft²) shed in order to operate the proposed home industry within a 371.61 m² (4,000 ft²) building which exceeds the permitted size.

The Committee should be satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law provided that the home industry remains small scale and secondary to the main use on the property and that the proposed home industry (welding and machine shop) 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 Concession 14, West Part Lot 17 and is Municipally known as 8691 Highway 89, Geographic Township of West Luther. The property is approximately 40.64 ha (100 ac) in size with an existing dwelling, barns and sheds. The location of the property is shown on Figure 1 below.

PROPOSAL

The purpose of this application is to provide relief from the maximum floor area requirements for a proposed home industry (welding and machine shop) on the subject property. The proposed variances will permit an increased floor area of 371.6 m² (4,000 ft²), whereas the zoning by-law permits a maximum floor area of 232.25 m² (2,500 ft²).

Provincial Policy Statement (PPS)

The subject property is within an area of prime agricultural land. Under the PPS permitted uses within *prime agricultural areas* include: *agricultural uses, agricultural related uses, and on-farm diversified uses.*

An *on-farm diversified use* is defined as: uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified include, but are not limited to home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

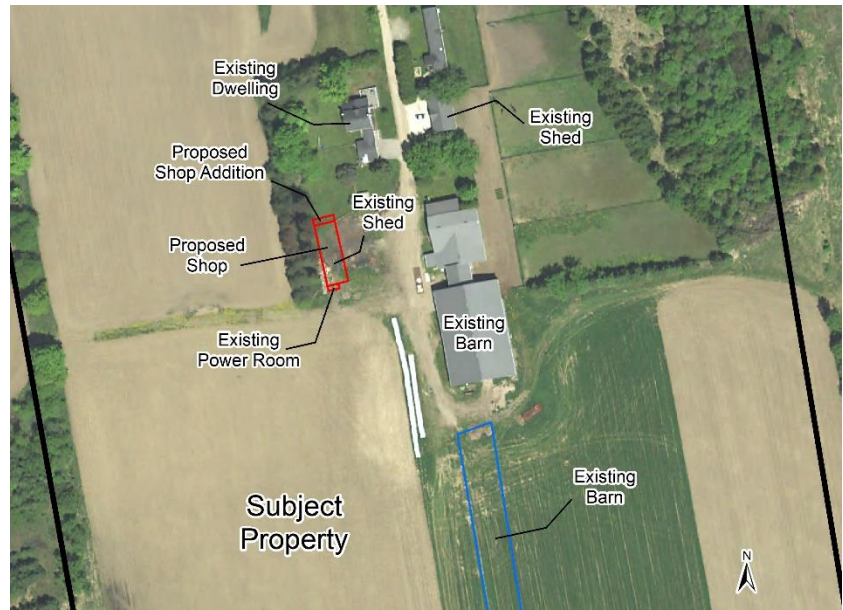


Figure 1: 2015 Aerial photo showing proposed home industry

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. Identified features include provincially significant wetlands, wetlands and flood plain. The proposed home industry is located outside the Core Greenland features on the property.

Under section 6.4.3 of the Plan, secondary uses including home businesses and farm businesses are permitted. Section 6.4.4 further outlines that a home business includes home industries which “are small in scale with a limited number of employees, and minimal off site impacts – examples include minor equipment repair, woodworking, crafts, and welding”.

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) zone. The applicants are proposing to construct a 74.3 m² (800 ft²) addition to the existing 297.3 m² (3,200 ft²) shed for a total floor area of 371.6 m² (4000 ft²) for the proposed home industry (welding and machine shop). The applicants have indicated that the welding and machine shop will include the construction of silo unloaders, as well as custom welding for items such as, but not limited to silo unloader parts, pig feeder hoppers, and loading dock bumpers.


The home industry is to remain small scale and secondary to the main use on the property. The applicants have indicated that there are currently no employees that reside off the subject property, no outdoor storage will be used for the home industry, and there will be limited deliveries (2-5 trucks a week) to the subject property for the home industry use. The property appears to be large enough to accommodate the oversized building.

The variance requested would provide relief from Section 6.14 d) of Zoning By-law 66-01 to construct a new home industry (welding and machine shop) with an increased floor area of 371.61 m² (4,000 ft²).

Shop	Required	Proposed	Difference
Home Industry Regulations (6.14 d)	232.25 m ² (2,500 ft ²)	371.61 m ² (4,000 ft ²)	139.36 m ² (1,500 ft ²)

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

Yours truly,


Jessica Rahim, Planner



**PLAN REVIEW REPORT: Township of Wellington North
Tammy Pringle, Development Clerk**

DATE: June 29, 2020

YOUR FILE: A04-20

RE: **Application for Minor Variance A04-20**
8691 Highway 89, Township of Wellington North

GRCA COMMENT:*

The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance.

BACKGROUND:

1. Resource Issues:

Information currently available at this office indicates that the subject property contains a portion of the Provincially Significant Luther Marsh Wetland Complex, additional wetland, floodplain, a watercourse, and the regulated allowance associated with these features.

2. Legislative/Policy Requirements and Implications:

The subject property contains natural hazard and natural heritage features as identified by the Provincial Policy Statement (PPS, 2020) and the Greenlands System in accordance to the County of Wellington Official Plan (2019). Based on the information provided with the application, the existing structure proposed for a welding and machine shop is located outside the natural hazard and natural heritage features identified above. Additionally, there is sufficient area to expand this structure without encroaching on these features. Consequently, GRCA staff do not anticipate any negative impact on the identified features as a result of this application.

Due to the presence of the above-noted features, a portion of the property is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any development or site alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06

3. Additional Information/Suggestions provided in an advisory capacity:

A "minor" minor variance application review fee is required for our review of this application. With a copy of this letter, the applicant will be invoiced in the amount of \$270.00.

We trust the above information is of assistance. Should you have any further questions please contact the undersigned at 519-621-2763 extension 2231.

Sincerely,

A handwritten signature in cursive script, appearing to read "Laura Warner".

Laura Warner
Resource Planner
Grand River Conservation Authority
LW

cc: Christian F Martin (email);
Enoch Martin (email)

- ***These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.***



Grand River Conservation Authority

Date: Jun 27, 2020

Author: LW

8691 Highway 89

A04/20

Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

Copyright Grand River Conservation Authority, 2020.

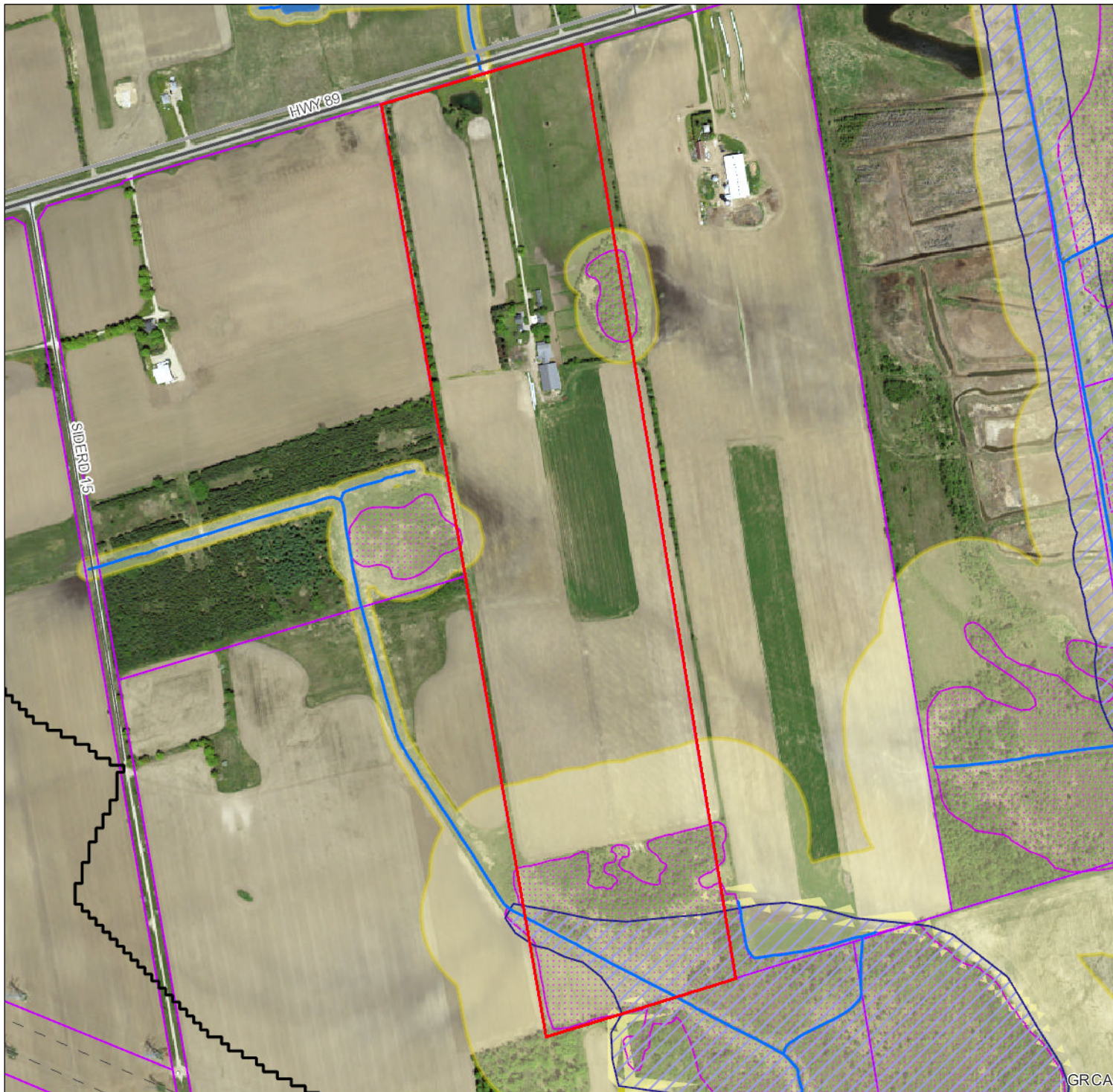
Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user.

The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>

0 45 90 180 270 Metres

NAD 1983 UTM Zone 17N

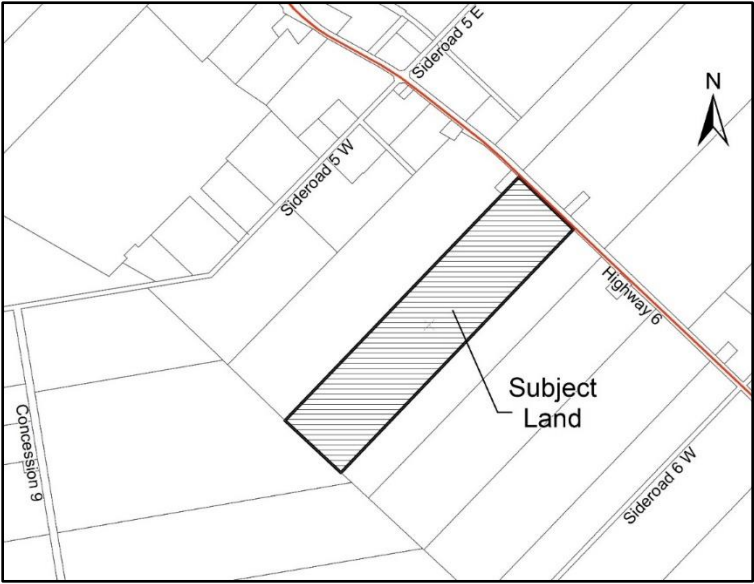
Scale: 8,068



Map Centre (UTM NAD83 z17): 544,081.42 4,873,899.03

This map is not to be used for navigation | 2015 Ortho (ON)

GRCA





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

May 26, 2020

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 A05/20**
DIVS 1 to 2 Lot 15 WOSR
9356 Highway 6, Kenilworth
Dekker – Bunker Silo Setback

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 is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage area. The proposed variance will permit a reduced side yard setback of 4.5 m (15 ft) whereas the Zoning By-law requires a minimum setback of 18.3m (60 ft) for accessory buildings to an agricultural use.

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 DIVS 1 to 2 Lots 15 WOSR (Arthur Township) and is Municipally known as 9356 Highway 6. The property is approximately 40 ha (98.8 ac) in size. The location of the property is shown on Figure 1.

PROPOSAL

The purpose of this application is to provide relief from the minimum side yard setback for a proposed bunker silo feed storage. The proposed variances will

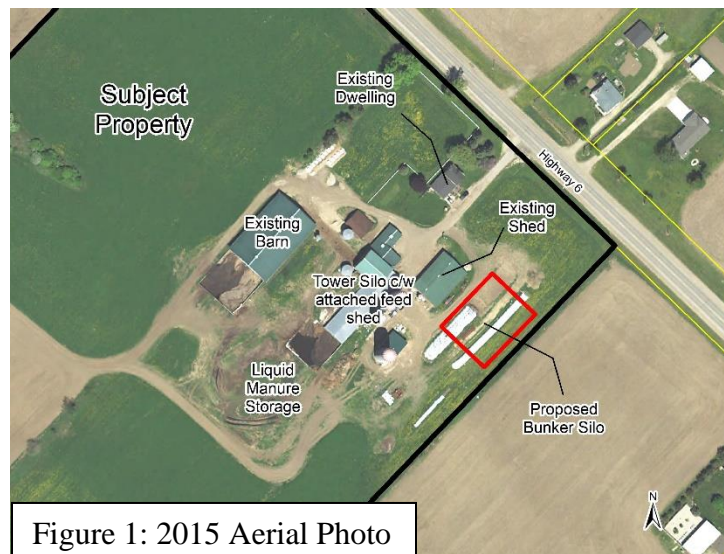


Figure 1: 2015 Aerial Photo

permit a reduced side yard setback of 4.5 m (15 ft) whereas the by-law requires 18.3 m (60 ft) for accessory building to an agricultural use.

WELLINGTON COUNTY OFFICIAL PLAN

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

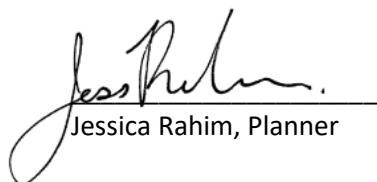
The subject property is zoned Agricultural (A), Agricultural Exception (A-1) and Natural Environment (NE). The proposed bunker silos are to be located within the A-1 zone portion of the property. The A-1 zone permits all uses permitted within the A zone except that new livestock facilities shall not be permitted. The applicants are proposing to construct three bunker silos to store their feed for the existing livestock barns on the property. The bunker silos are considered an accessory use to the farm and are therefore permitted within the A-1 zone. The proposed bunker silo location is within the existing farm building cluster on the subject property, and the feed is currently stored outside in a pile at this location with no required setback. The 4.6m (15 ft) setback allows for sufficient space to maintain the side of the bunker silo and there does not appear to be any impacts on neighbouring properties.

The variance requested would provide relief from Section 8.2.4 d) of Zoning By-law 66-01 to allow for a reduced side yard setback of 4.6 m (15 ft) to permit a bunker silo within the farm building cluster.

Accessory Bunker Silo	Permitted	Proposed	Difference
Interior Side Yard Setback (Section 8.2.4. d)	18.3m (60.0 ft)	4.6 m (15 ft)	13.7 m (45 ft)

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

Yours truly,


Jessica Rahim, Planner

Noah & Verna Martin
7044 Sideroad 790
RR # 5 Mount Forest ON
N5G 2L0
519 323-0372

June 4 2020

Concerning the minor variance at 9356
Highway 6

I am opposed

15 feet is only a quarter of the
required 60 feet. It leaves very little
room to get inbetween for covering
feed etc.

On this property we already have a barn
that does not meet minimum distance required
to the closest neighbour residence.

Also there is a manure pit that does not
meet minimum distance requirements to
three neighbouring residences. These issues
should be addressed before granting another
minimum distance variance.

All three minimum distance issues are not
nessessary. They are all crowded in one
corner of the property closest to these 3
residences. There is lots of room otherwise
This shows a lack of respect and consideration
for the neighbours

Noah Martin
Verna Martin

RECEIVED

JUN 04 2020

Owners of 9372 Hwy 6

TWP. OF WELLINGTON NORTH

Hilroy

9346 Hwy #6, R.R.#2

Kenilworth, On N0G 2E0

June 29th, 2020

Tammy Pringle, Development Clerk

Township Wellington North

7490 Sideroad 7, W. PO Box 125

Kenilworth, On N0G 2E0

RE: Application for Minor Variance

DIVS 1 to2 Lot 15 WOSR Township of Arthur

Civic Address – 9356 Hwy #6

RECEIVED

JUN 30 2020

TWP. OF WELLINGTON NORTH

TO WHOM IT MAY CONCERN:

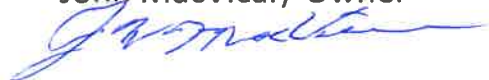
As next door neighbours to the property , we do not have any problem with the requested variance at 9356 Hwy #6. We support application.

Yours truly,

Frances MacVicar / Owner



John MacVicar/ Owner



**Normal Farm Practices
Protection Board**

1 Stone Road West, 2nd Floor
Guelph, Ontario N1G 4Y2
Tel: (519) 826-3433, Fax: (519) 826-4232
Email: NFPPB@ontario.ca

**Commission de protection des
pratiques agricoles normales**

1 Stone Road West, 2^e étage
Guelph (Ontario) N1G 4Y2
Tél.: (519) 826-3433, Téléc.: (519) 826-4232
Courriel: NFPPB@ontario.ca



June 30, 2020

VIA Email Only

Kent Benson
9357 Highway 6, RR#2
Kenilworth, Ontario N0G 2E0
Email: clydestud1@hotmail.com

Dear Mr. Benson,

Re: Benson v. Dekker

I am in receipt of your email to Board Secretary Ms. Rebecca Moffat-Vallée dated Friday, June 26, 2020 in which you ask why Mr Dekker can apply for a minor variance for a building when you have an ongoing matter with the Normal Farm Practices Protection Board.

I am also in receipt of your follow-up email to Ms. Moffat-Vallée dated Saturday, June 27, 2020 in which you state you want me to call you so that you may "explain your side of the story". I understand you are making these requests because you feel that your rights to a fair decision from the Board are being violated.

The Board has no jurisdiction to intervene in a minor variance matter. Furthermore, I cannot communicate with either party outside of the hearing of this matter, as that would constitute a clear breach of procedural fairness.

Please accept this letter as confirmation that the Board cannot and will not become involved in this minor variance issue.

Regards,

A handwritten signature in black ink, appearing to be "G. Walker".

Glenn C. Walker
Chair, Normal Farm Practices Protection Board

c. Rien and Karen Dekker
9356 Highway 6, RR#2
Kenilworth, Ontario N0G 2E0
Email: riendekker@hotmail.com

From: Barrie, Andrew (OMAFRA) <andrew.barrie@ontario.ca>
Sent: July 2, 2020 4:23 PM
To: Darren Jones; rien dekker
Cc: Ward, Daniel (OMAFRA)
Subject: RE: Dekker Farm minor variance for bunker silo

Darren.

Rien had reached out to the Normal Farm Practices Board and to OMAFRA to provide feedback on this situation. The Board was unable to provide a formal response – it isn't under their jurisdiction to do so.

From OMAFRA's perspective I and my colleagues are not aware of a similar case where an operation is going to the NFPPB and also trying to get a variance. Since the variance is related to a local by-law and not a provincial matter we also will not have a formal position on the matter.

I would say though that based on our understanding, the location of the bunker silo is a local by-law concern and it is unlikely to have an impact on the NFPPB decision related to the manure storage. However, the NFPPB determines what presented evidence they consider in their decisions and OMAFRA does not have a role in those decisions. The NFPPB case is based on odour while the variance is based on separation distance from the side property line – this is a fairly common occurrence across Ontario, especially in the case where the new construction will be an environmental improvement such as better runoff containment.

Regards,

Andrew Barrie
Environmental Specialist
Ministry of Agriculture, Food and Rural Affairs
200 McNab St., Suite 103
P.O. Box 189
Walkerton, ON N0G 2V0
519-373-9008
andrew.barrie@ontario.ca
Ag Info Contact Centre: 1-877-424-1300
www.omafra.gov.on.ca

As part of providing accessible customer service, please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Darren Jones <djones@wellington-north.com>
Sent: Thursday, June 25, 2020 1:35 PM
To: Barrie, Andrew (OMAFRA) <andrew.barrie@ontario.ca>
Cc: Ward, Daniel (OMAFRA) <daniel.ward@ontario.ca>
Subject: RE: Dekker Farm minor variance for bunker silo

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Hi Andrew, the request is of a side yard setback reduction, see attached planning report.

Darren Jones, CBCO

Chief Building Official, Township of Wellington North

519.848.3620 ext. 4462 | 7490 Sideroad 7 W, PO Box 125, Kenilworth, ON N0G 2E0

From: Barrie, Andrew (OMAFRA) <andrew.barrie@ontario.ca>

Sent: June 25, 2020 10:35 AM

To: Darren Jones <djones@wellington-north.com>

Cc: Ward, Daniel (OMAFRA) <daniel.ward@ontario.ca>

Subject: Dekker Farm minor variance for bunker silo

Darren.

I had a call from Rien Dekker concerning his application to build a bunker silo. He indicated he had to get a minor variance and through the public consultation the concern was raised by Mr. Benson of a linkage to the current Normal Farm Practices Board hearing over the manure storage.

Can you provide some context to this? I'm wondering first of all why the minor variance is required – do you a local bylaw concerning this?

Regards.

Andrew Barrie

Environmental Specialist

Ministry of Agriculture, Food and Rural Affairs

200 McNab St., Suite 103

P.O. Box 189

Walkerton, ON N0G 2V0

519-373-9008

andrew.barrie@ontario.ca

Ag Info Contact Centre: 1-877-424-1300

www.omafra.gov.on.ca

As part of providing accessible customer service, please let me know if you have any accommodation needs or require communication supports or alternate formats.

From: Scott Hartle <Scott.Hartle@milk.org>
Sent: July 3, 2020 8:50 AM
To: Karren Wallace <KWallace@wellington-north.com>
Cc: rien dekker (riendekker@hotmail.com) <riendekker@hotmail.com>
Subject: minor variance for Rien and Karin Dekker

To the Mayor and Councillors of Wellington North,

I am writing this email in support of the council granting a minor variance for Rien and Karin Dekker for the construction of their bunker silo.

By way of background, Rien and Karin purchased their farm in July of 2013. They initially invested millions of dollars and have since made many improvements and investments over time. Most of that money has been invested in the township of Wellington North. These improvements could only be possible thru their hard work and excellent management! They have in the past and continue to produce some of the best milk in Ontario, and are in good standing with Dairy Farmers of Ontario.

With regards to the location of their propose bunker silos, it only makes sense from an efficient perspective that the new bunker silos are located in close proximity to the other feed storage. Making feed on a Dairy farm is one of the most important daily functions a producer will do. It is also very time consuming. If the bunker was located elsewhere on the farm, say on the north side of the heifer barn, the time it would take to go back and forth would be wasteful.

The other reason for locating the bunker silo with the rest of the feed storage in contamination of the laneway and turnaround area for the milk truck. Thru regulation 761 and DFO Board policy, the lane must be kept free from manure and other contaminants, i.e. mud!

. Manure accumulations on farm yards or lanes is considered to be a potential source of contamination as manure can adhere to the underside of bulk milk tank trucks and truck tires and be transferred from farm to farm and from farms to processing plants. Sourced from DFO policy book.

If the bunker silo was located on the north side of the farm, Rien would have to drive the loader tractor and mixer back and forth across the area that the milk truck turns around. This would cause contamination of the lane from mud and feed stuffs. This would then be a Grade A concern to DFO.

I trust you will find this information helpful when making your decision. If any or all of you have and questions, please don't hesitate to contact me.

Kind Regards,
Scott Hartle



Scott Hartle

Field Services Representative | Dairy Farmers of Ontario | scott.hartle@milk.org | www.milk.org
Phone: 519-323-3157 | [Privacy Notice](#)

