

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
JUNE 5, 2023 AT 2:00 P.M.
HYBRID MEETING – IN PERSON AND VIA WEB CONFERENCING
<https://www.youtube.com/watch?v=f1X3Q1ii70E>**

Members Present:

**Mayor: Andrew Lennox
Councillors: Sherry Burke
Lisa Hern
Steve McCabe
Penny Renken**

Staff Present:

**Chief Administrative Officer: Brooke Lambert
Director of Legislative Services/Clerk: Karren Wallace
Deputy Clerk: Catherine Conrad
Chief Building Official: Darren Jones
Human Resources Manager: Amy Tollefson
Acting Treasurer: Mary Jo Marshall
Economic Development Officer: Dale Small
Development Technologist: Tammy Stevenson
Manager, Environment & Development Services: Corey Schmidt
Manager of Transportation Services: Dale Clark
Recreation Community Coordinator: Tasha Grafos
Recreation Services Manager: Tom Bowden
Manager of Development Planning: Curtis Marshall
Junior Planner: Asavari Jadhav
Senior Operations Manager, OCWA: Don Irvine**

CALLING TO ORDER - Chairperson Lennox

Chairperson Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest declared.

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, May 23, 2023 (A02/23, A03/23)

RESOLUTION: 008-2023

Moved: Renken

Seconded: Hern

THAT the Committee of Adjustment meeting minutes of May 23, 2023 – A02/23 & A03/23 be adopted as presented.

CARRIED

APPLICATION

A04/23 Red Maple Land Co.

THE LOCATION OF THE SUBJECT PROPERTY is described as Con WOSR Divs 1 & 3 Pt Div 2 Lot 32 and is Municipally known as 8648 Highway 6. The property is approximately 59.75 ha (147.6 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the Minimum Distance Separation I (MDS I) setback requirements. The applicant has received conditional approval for a severance (B122-22) and cannot meet the minimum distance required to the nearest neighboring barn. 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 16, 2023.

PRESENTATIONS

Curtis Marshall, Manager of Development Planning, presented the Planning Report prepared by Matthieu Daoust, Senior Planner and Asavari Jadhav, Junior Planner County of Wellington, Township of Wellington North

- Planning Report dated June 5, 2023

Planning Opinion

The variance requested to provide relief from MDS I setback requirements. This variance is a condition of severance application B122/22, that was granted provisional consent by Wellington County Land Division Committee in November 2022. The proposed new lot does not meet the Minimum Distance Separation I (MDS I) required to the nearest neighbouring barn at 8627 Highway 6. The consent will sever a 3 ha (7.40 ac) rural residential parcel from the retained 58.3 ha (144.06 ac) agricultural parcel with an existing dwelling, barn and a drive shed.

We have no concerns with the relief requested for the reduced setback. 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 subject property is described as Con WOSR Div 1 & 3 Pt Div 2 Lot 32 with a civic address of 8648 Highway 6. The rezoning is a condition of severance application B122/22. The proposed severed parcel is a 3 ha (7.40 ac) rural residential parcel and a 58.3 ha (144.06 ac) agricultural parcel is retained with an existing dwelling, barn and a drive shed.

PROPOSAL

This proposal is a condition of a severance application B122/22 to provide relief from the Minimum Distance Separation I (MDS I) requirements for a Type A land use. The proposed severed parcel is a 3 ha (7.40 ac) rural residential parcel and a 58.3 ha (144.06 ac) agricultural parcel is retained with an existing dwelling, barn and a drive shed. The severed lot does not meet the Minimum Distance Separation I (MDS I) required to the nearest neighbouring barn at 8627 Highway 6.

Provincial Policy Statement (PPS)

The subject property is within an area of PRIME AGRICULTURAL land. Guideline #43 of the MDS Implementation Guidelines outlines that minor variances to MDS I 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. Guideline #41 of the MDS Implementation Guidelines states that “for the lots without an existing dwelling that are >1 ha, MDS I setbacks are measured as the shortest distance between a 0.5 ha or larger building envelope (for a potential dwelling)”.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated PRIME AGRICULTURAL and CORE GREENLANDS. Identified features include a Grand River Conservation Authority regulated Flood Plain. 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 Agriculture (A) and Natural Environment (NE). The location of the proposed new lot configuration does not meet the Minimum Distance Separation (MDS I) and require the following relief:

Minimum Distance Separation – MDS I Section 6.17.1	Required	Proposed	Difference
8627 Highway 6	565 m (1,854 ft)	200 m (656 ft)	365 m (1,198 ft)

Planning staff note that the existing bank barn at 8627 Highway 6 appears to be unused and is missing parts of the roof and siding. An evaluation of the bank barn structure was not provided verifying the shape and stability of the structure. The MDS guidelines (Section 8.5) apply to barns which are “reasonably capable” of housing livestock. If the barn was not “reasonably capable” of housing livestock it would not be included in the calculation of MDS setbacks. The MDS setback was based on the swine (barn at rear) however, the measurement of the setback is taken from the closet barn which is the bank barn.

Overall, the variance requested is minor and appropriate for the use of the lot. The variance meets the general intent of the Official Plan and Zoning By-law.

CORRESPONDENCE FOR COMMITTEE’S REVIEW

Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority

- Letter dated May 25, 2023 (No Objection)

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

Elgin and Joan Craig, applicants, were present to answer any questions. Mr. Craig stated that they have worked with Wellington North and the County of Wellington to meet all the conditions of the severance. They have talked to all the neighbours and there have been no appeals or objections to the proposal. They are asking for relief of the minimum distance required. The house will be similar to the other houses built in the area in the last ten years. They are hoping to have all conditions met by July 1st.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Councillor McCabe stated that he believes this is the best use of this land.

Councillor Burke commented that she felt the request is more than a minor variance as there is quite a difference in distance required. She questioned how this will impact the surrounding agricultural community and stated that she is not supportive of this application.

Mayor Lennox inquired what the distance is to the newer barn. Mr. Marshall explained that it depends on the location of the house on the three-acre lot. The MDS Guidelines have a provision that when you have a larger lot, larger than a hectare, since you have flexibility where the house can go the MDS calculation would be taken to exactly where the house would be built on the property. On a one-acre property it is taken from the edge of the lot. If they built the house further to the north and west they would be into the four and five hundred metre set back so the reduction isn't quite as large as it seems. What was indicated in the report was to the boundary of the new lot. Depending on where the house goes the actual difference would be one hundred metres or less. 8627 Highway 6 is where the relief is required, however North of that, where there is an old racetrack, that house is closer to the bank barn at 8627 Highway 6 than the new lot. Across the road at 8624 there is a house that is closer to the bank barn at 8627 Highway 6. If the farm at 8627 Highway 6 was to expand those houses would be the control points for MDS and that was a component in his consideration.

Mayor Lennox inquired about the possibility of a reciprocal exemption for the farm property. Mr. Marshall commented that it may not come into play as it would depend on what the plans of the farmer are and where they want to build and type of barn. If there are expansions to the existing barn, the MDS II calculations are not as significant for an expanding livestock operation; so, they give the benefit to the farm. A zoning amendment is required to apply a reciprocal agreement. When reviewing the zoning on the neighbouring property it's not on place on that property, it's on place on the neighbour's property in a variance. Mayor Lennox stated that he did not support the severance when it came before Council; he has a hard time creating these types of lots in the rural area for this very reason. Council has talked extensively about the problem with rural severances and how they can impinge on livestock operations. He really struggles to support this because of the context of it. There are so many variations, so he struggles with the minor component of it.

Councillor Hern asked if they had considered a dwelling as an accessory residential use, which is allowed. Mr. Craig explained that they did a lot of research and planning and due to farm succession plans and the cost to the family member who wishes to continue farming, so it wasn't a viable solution. They considered building on another property, but they would take three acres of number one agricultural land out of production to build a house. When the current lot was surveyed it showed there is a building envelope that is over an acre, so they can move the footprint of the house with the minimum setbacks from MTO and from Sideroad 10. They advised have talked to the neighbours. The owners of the barns at 8627 Highway 6 have not objected. They feel it is a good use of the land and they won't be removing a lot of trees.

DECISION

CALL FOR VOTE:

THAT the minor variance applied for in Application A04/23, for the property described as Con WOSR Divs 1 & 3 Pt Div 2 Lot 32, with a civic address of 8648 Highway 6, to provide the following relief;

1. **THAT a reduced Minimum Distance Separation I (MDS I) setback of 200 m (656 ft) be permitted, for a proposed residential dwelling, whereas the By-Law requires 565m (1,854 ft).**

DENIED

APPLICATION

A05/23 Cachet Developments (Arthur) Inc.

THE LOCATION OF THE SUBJECT PROPERTY is described as Plan 61M248 Blk 138 & 139. The property is approximately 11.08 ha (27.37 ac) in size. The location of the property is shown on the map attached.

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum exterior side yard setback for two proposed street townhouse units. Through detailed design it was identified that two street townhouse require relief to permit a 4.34 m (14.28 ft) and 4.36 m (14.36 ft) exterior side yard setback. 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 16, 2023.

PRESENTATIONS

Curtis Marshall, Manager of Development Planning, presented the Planning Report prepared by Matthieu Daoust, Senior Planner and Asavari Jadhav, Junior Planner County of Wellington, Township of Wellington North

- Planning Report dated June 5, 2023

Planning Opinion: The variance requested would provide relief from the minimum exterior side yard setback for two proposed street town house units. The applicant is proposing to construct two new street townhouse units and with a minimum exterior side yard setback of 4.34m (14.28 ft) and 4.3 m (14.36 ft).

We have no concerns with the requested relief 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 Plan 61M248 BLK 138 & 139. The property is approximately 11.08 ha (27.37 ac) in size.

PROPOSAL

The purpose of this application is to provide relief from the minimum exterior side yard setback for street town house units. The applicant is proposing to construct two new street townhouse units and require minimum exterior side yard setback of 4.34 m (14.28 ft) and 4.3 m (14.36 ft).

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated RESIDENTIAL within the Urban Centre of Arthur. 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 Site Specific Residential (R3-29). The applicant is proposing to construct new street townhouse units require the following variance:

Lot Regulations Exterior Side Yard, Minimum Section R3-29	Permitted	Proposed	Difference
Block 138	4.5 m (14.8 ft)	4.34 m (14.28 ft)	0.16 m (0.52 ft)
Block 139	4.5 m (14.8 ft)	4.36 m (14.36ft)	0.14 m (0.44 ft)

The variance requested is minor and appropriate for the use of the lot. The variance meets the general intent of the Official Plan and Zoning By-law.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Danielle Walker, Source Protection Coordinator, Wellington Source Water Protection

- Email dated May 15, 2023 (No Objection)

Jessica Conroy, Resource Planner, Grand River Conservation Authority

- Email dated May 25, 2023 (No Objection)

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

Marcus Gagliardi, Cachet Developments representative was present to answer any questions regarding the application. He commented that the variances are very small, 16

cm and 14 cm respectively. Very small adjustments that are a by-product of siting houses that were sold after they went through the detail design process and after the by-law had been registered.

COMMENTS/QUESTIONS FROM THE COMMITTEE

No comments or questions from the Committee.

DECISION

CALL FOR VOTE:

THAT the minor variance applied for in Application A05/23, for the property described as Plan 61M248 Blk 138 & 139 and municipally known as 474-484 Adelaide Street and 156-166 Waters Way, Arthur, to provide the following relief;

1. **THAT a reduced exterior side yard setback of 4.34 m (14.28 ft) be permitted for the proposed street townhouse units on Block 138, whereas the By-Law requires 4.5m (14.8 ft).**
2. **THAT a reduced exterior side yard setback of 4.36 m (14.36 ft) be permitted for the proposed street townhouse units on Block 139, whereas the By-Law requires 4.5m (14.8 ft).**

APPROVED

ADJOURNMENT

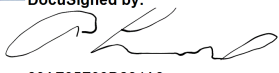
RESOLUTION: 009-2023

Moved: Burke

Seconded: Hern

THAT the committee of adjustment meeting of June 5, 2023 be adjourned at 2:24 p.m.

CARRIED

DocuSigned by:

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MAYOR

DocuSigned by:
Karren Wallace
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CLERK