

**Municipality of West Grey
Committee of Adjustment
Minutes of June 26th, 2017 at 1:00 p.m.**

The Committee of Adjustment met at the Council Chambers with the following members in attendance:

Members Present: John A. Bell (Chair), Kevin Eccles, Bev Cutting, Rebecca Hergert, Doug Hutchinson, Carol Lawrence, Robert Thompson

Also Present: Mark Turner, Secretary/Treasurer; Ron Davidson, Municipal Planner

1. Disclosure of Pecuniary Interest - None
2. Approval of Minutes – June 5, 2017

COA 24/17 Moved by: Rebecca Hergert Seconded by: Doug Hutchinson

That, the Municipality of West Grey Committee of Adjustment hereby adopts the minutes of June 5, 2017, as printed.

Committee Members: Attending members present. All yea. Carried.

3. Public Meetings

- 1) Minor Variance Application A06/17 – Plan 153, Pt Lot 12, Louisa E/S (546 Louisa Street), Ayton, former Township of Normanby (Cory McDonald)

File	Applicant	Decision
A06/17	Cory McDonald (Former Township of Normanby)	GRANTED

ATTENDANCE: Cory McDonald

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the minor variance application is to seek relief from Sub-section 6.1.4 ii) of West Grey Comprehensive Zoning Bylaw Number 37-2006, as amended, to increase the permitted maximum square footage requirement for a proposed accessory structure (storage/workshop) from 1,000 square feet to 1,500 square feet.

Written comments were received from the Grey County Planning & Development Department, Municipal Planner, and Saugeen Valley Conservation Authority.

The Grey County Planning & Development Department indicated in a letter dated June 19, 2017 that County planning staff have no concerns. County Transportation Services has no objection to the subject application. The proponent will be required to apply for an exemption to the Setback Policy which states that all structures are to be 75' or 22.86m offset the centerline of the existing road. This application is to be in writing and addressed to the Director of Transportation Services.

The Saugeen Valley Conservation Authority indicated in a letter dated June 19, 2017 that there are no Natural Hazards or Significant Natural Heritage features affecting this particular property. The proposed minor variance is acceptable to staff.

The Municipal Planner indicated in his Planning Report dated June 5, 2017 that the proposed minor variance passes the four tests of a Minor Variance listed in the Planning Act. It is his understanding that the three accessory buildings will be removed if the variance for the larger building is granted. Provided the other accessory buildings are removed, the variance could be given favourable consideration. The removal of the three existing accessory buildings should be listed as a condition of approval on the Minor Variance decision sheet.

The Committee of Adjustment noted it seems like a huge building, and asked what it will be used for. Mr. McDonald responded that it will be used for personal storage for his vehicles and equipment, and he wants one building that fits all his vehicles and equipment.

Cory McDonald spoke in favour of the proposed minor variance, and noted he has a letter signed by neighbours noting support for the proposed minor variance.

The Committee of Adjustment supported Mr. McDonald's request to amend the Decision to permit the existing accessory structures to remain on the property until the proposed accessory structure is constructed.

COA 25/17 Moved by: Rebecca Hergert Seconded by: Rob Thompson

Resolved that, Minor Variance Application A06/17 be approved, as the Committee is satisfied that the variance maintains the intent and purpose of the Grey County Official Plan, and Municipality of West Grey Comprehensive Zoning By-law Number 37-2006, as amended; is minor in nature; and represents an appropriate or desirable use of the lands and buildings.

Committee Members: Attending members present. All yea. Carried.

- 2) Minor Variance Application A07/17 – Concession 1, Div. 2, Part Lot 23 (311622 Highway 6), former Township of Normanby (Elverne Bauman)

File	Applicant	Decision
A07/17	Elverne Bauman (Former Township of Normanby)	GRANTED

ATTENDANCE: Elverne Bauman, Leroy Bauman, Jim Crummer

The Secretary-Treasurer read the statutory requirements for the Public Meeting, and noted the purpose of the minor variance application is to seek relief from Sub-section 9.2.4 and the Minimum Distance Separation (MDS) of West Grey Comprehensive Zoning Bylaw Number 37-2006, as amended, to permit a proposed livestock building and liquid manure pit with a minimum south interior side yard requirement of 5 metres.

Written comments were received from the Grey County Planning & Development Department, Municipal Planner, Saugeen Valley Conservation Authority, Historic Saugeen Metis, and Leroy Bauman.

The Historic Saugeen Metis indicated by email dated June 12, 2017 that they have no objection or opposition to the proposed minor variance.

Leroy Bauman, an adjacent landowner, indicated in a letter dated June 19, 2017 that he and his wife fully support Mr. Bauman's request for relief from MDS to the side lot line that divides their two properties to facilitate their dairy farming dream.

The Grey County Planning & Development Department indicated in a letter dated June 22, 2017 that the County recommends that all options are explored prior to varying MDS in order to ensure continued land use compatibility. However, the County does see merit in the proposed variance as the building and manure pit would be placed within the existing building cluster, as well as indicated in the municipal planners report, MDS is complied with between the barn and the adjacent dwelling, which should reduce land use conflicts. If the subject application is approved, there should be some mitigation measures in place in order to ensure buffering between the proposed development and the adjacent property.

The Saugeen Valley Conservation Authority indicated in a letter dated June 20, 2017 that the proposed minor variance is acceptable to SCVA staff.

The Municipal Planner indicated in his Planning Report dated June 26, 2017 that the proposed minor variance to the side yard requirement of the "A2" Zone passes the four tests of a Minor Variance listed in the Planning Act.

The Municipal Planner's Report further noted that with regard to the variance to the MDS Guidelines, the proposed variance does not decrease the setback requirements between the barn / manure storage facility and the neighbour's house. That MDS requirement will be satisfied. The MDS requirement that won't be met is the requirement for the barn and manure storage facility to be setback 20 metres and 28 metres respectively from the side lot line. Guideline #43 to the MDS Guidelines states that "MDS II setbacks should not be reduced except in site specific circumstances that meet the intent of this MDS document".

The Guidelines further state that OMAFRA does not generally support or encourage reductions to MDS II distances because the intent of the MDS Guidelines is minimize odour complaints, and a reduction to an MDS requirement may undermine such intent. The Guidelines do recognize, however, that a variance may be acceptable in some circumstances. In this particular situation, the requested variance has merit because a reduction to the side yard requirement is necessary as placing the barn and manure storage facility elsewhere would result in these structures being located in the SVCA's Regulated Area, which is not ideal, unless the barn and manure storage was placed near the rear of the property (i.e. at a considerable distance from the existing barn and residence), which is also not ideal. The barn and manure storage facility do meet the required setback from the closest neighbour's house and therefore potential odour should not be an issue.

The Municipal Planner's Report concludes that the proposal passes the four tests of a Minor Variance listed in the Planning Act and is generally in keeping with the MDS Guidelines. The proposal has merit and should be given favourable consideration.

The Committee of Adjustment expressed some concerns with reducing the required MDS setback, as neighbours in the future could object to possible odours, etc. The Committee of Adjustment asked the Municipal Planner if the proposed site could be changed. The Municipal Planner stated that Mr. Bauman could locate the building a lot further back on the property but it would not make sense from a farming perspective, and it should not be relocated to the SVCA Regulated Area.

Leroy Bauman spoke in favour of the proposed minor variance.

COA 26/17 Moved by: Kevin Eccles Seconded by: Bev Cutting

Resolved that, Minor Variance Application A07/17 be approved, as the Committee is satisfied that the variance maintains the intent and purpose of the Grey County Official Plan, and Municipality of West Grey Comprehensive Zoning By-law Number 37-2006, as amended; is minor

in nature; and represents an appropriate or desirable use of the lands and buildings.

Committee Members: Attending members present. All yea. Carried.

4. Other

- 1) Re-scheduling of August 9, 2017 West Grey Committee of Adjustment Meeting

COA 27/17 Moved by: Carol Lawrence Seconded by: Doug Hutchinson

Resolved that, the August 9, 2017 West Grey Committee of Adjustment meeting be re-scheduled to August 18, 2017, 1:00 p.m.

Committee Members: Attending members present. All yea. Carried.

5. Next Meeting – not determined to date

On motion of Rebecca Hergert, the Committee adjourned at 1:41 p.m.

(Signed)
John A. Bell, Chair

(Signed)
Mark Turner, Clerk