

**THE TOWNSHIP OF NORTH HURON
COMMITTEE OF ADJUSTMENT AGENDA**



Date: Monday, October 17, 2016
Time: 7:00 p.m.
Location: HELD IN THE TOWNSHIP COUNCIL CHAMBERS

Pages

1. Call to Order

2. Disclosure of Pecuniary Interest

3. Accept or Amend Agenda

THAT the Committee of Adjustment hereby accepts the agenda for the October 17, 2016 hearing as printed and circulated.

4. Committee of Adjustment - Authority

The Council of the Corporation of the Township of North Huron enacted By-law No. 2-2013 authorizing the appointment of the full Council to form the Committee of Adjustment. Hence, it is by the authority of By-law No. 2-2013 and The Planning Act, R.S.O. 1990, as amended, that his Committee of Adjustment shall perform its responsibilities.

5. Appoint Secretary-Treasurer

The Council of the Corporation of the Township of North Huron hereby enacts the By-law authorizing the appointment of the Clerk as Committee of Adjustment Secretary-Treasurer.

6. Statement of Precedent

“That any decision reached by this Committee tonight can not be used to set a precedent.”

7. New Business

File D13-01/2016 Minor Variance Application
Concession 5 South Part Lot 40, East Wawanosh Ward, North Huron (39732 Westfield Road)
Applicant/Owners: Marfran Farms- Francis Hallahan, Marian Hallahan and Steven Hallahan

7.1 Purpose and Description

The purpose of this application is to seek relief from Zoning By-law 82-2008 for the Township of North Huron. The subject property is designated Agriculture in the North Huron Official Plan and zoned AG1- General Agriculture in the North Huron Zoning By-law. The applicant is proposing to construct a dairy barn in conjunction with the existing operation on the south of the property. The provisions set out in the North Huron Zoning By-law require a front yard setback in the AG1 Zone for a structure to be a minimum of 60 metres (197 feet). The proposed Minor Variance seeks relief for 20 metres (67 feet), as the applicant requests to build the dairy barn at a front yard setback of 40 metres (130 feet).

7.2 Comments of the Huron County Planner

See attached report from Laura Young, Huron County Planner.

7.3 Comments of the Applicant and/or Agent

7.4 Comments of Others

7.5 Committee of Adjustment Members' Questions and/or Comments

7.6 Recommendation of the Huron County Planning & Development Department

Approval recommended as outlined in report from Planner.

7.7 Recommendation to Council from the Committee of Adjustment

THAT the Committee of Adjustment hereby recommends to North Huron Council that the Minor Variance D13-01/2016 as it applies to Concession 5 South Part Lot 40, East Wawanosh Ward, Township of North Huron (39732 Westfield Road) Applicant/Owners: Marfran Farms- Francis Hallahan, Marian Hallahan and Steven Hallahan; be approved

8. Ruling of the Committee of Adjustment

Minor Variance Procedure Following Public Meeting

The Secretary-Treasurer sends within 10 days a certified copy of the decision indicating the last day of Appealing to the Ontario Municipal Board (OMB) to:

(a) The Applicant.

(b) The Minister of Municipal Affairs & Housing, if requested.

(c) Each person who appeared in person or by counsel at the Hearing and who filed with the Secretary-Treasurer a written request for Notice of the Decision.

IF NO APPEAL LODGED:

After the 20 day objection period has expired and no Appeal has been lodged, the decision of the Committee of Adjustment is final and binding.

The Secretary-Treasurer shall notify the applicant.

IF A NOTICE OF APPEAL IS LODGED:

If within 20 days of the Committee of Adjustment making a decision, an Appeal is lodged with the Secretary-Treasurer outlining the reasons for such an Appeal and said Appeal is accompanied by the required fee of \$300.00, the Committee of Adjustment no longer retains jurisdiction over the application.

If a proper Appeal is lodged the Secretary-Treasurer is required to provide proper Notice to the Ontario Municipal Board (OMB).

9. Adjournment

THAT there being no further business before the Committee of Adjustment, the Public Hearing be hereby Adjourned at ... pm.



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Minor Variance Report to North Huron Committee of Adjustment

From: Laura Young, Planner

Date: 12 October 2016

RE: File D13-01/2016 Minor Variance Application Report

Concession 5 South Part Lot 40, East Wawanosh Ward, North Huron (39732 Westfield Road)

Applicant/Owners: Marfran Farms- Francis Hallahan, Marian Hallahan and Steven Hallahan

This report is submitted to Council for the public meeting on October 17th, 2016.

Recommendation: That the Minor Variance D13-01/2016 be:

- ☒ **approved**
- ☐ approved with conditions (included)
- ☐ deferred
- ☐ denied

Purpose

The purpose of this application is to seek relief from Zoning By-law 82-2008 for the Township of North Huron. The subject property is designated Agriculture in the North Huron Official Plan and zoned AG1- General Agriculture in the North Huron Zoning By-law.

The applicant is proposing to construct a dairy barn in conjunction with the existing operation on the south of the property. The provisions set out in the North Huron Zoning By-law require a front yard setback in the AG1 Zone for a structure to be a minimum of 60 metres (197 feet). The proposed Minor Variance seeks relief for 20 metres (67 feet), as the applicant requests to build the dairy barn at a front yard setback of 40 metres (130 feet).

Review

Figure 1. Aerial view of subject lands outline in yellow



Figure 2. Aerial view of subject lands showing existing farming operation. Star represents proposed location of new dairy barn (bank barn has been removed)



Figure 3. Sketch submitted with Minor Variance Application D13-01-16 showing view of subject lands with approximate dairy barn location



Figure 4. View of subject lands facing north and proposed area for new dairy barn



Figure 5. View of existing house on subject lands facing north



Each minor variance application must satisfy four tests set out under Section 45 of the Planning Act (1990), as amended. This minor variance application:

- ✓ *Meets the intent of the North Huron Official Plan*
The subject lands are designated Agriculture in the North Huron Official Plan. The proposed dairy barn is a permitted use in the agricultural designation and existing farm operations are permitted to expand their operation.
- ✓ *Meets the intent of the Township of North Huron Zoning By-law*
Agricultural buildings are a permitted use in the General Agriculture (AG1) Zone, and the intent of setbacks in the Zoning By-law are to allow for site maneuverability and access; reducing the front yard

setback from 60 metres to 40 metres does not affect the access or the functionality of the front yard of the subject property.

Section 4.5 and 4.7 of the AG1 Zone state that the Minimum Distance Separation must be met for any livestock housing facility that is being established and a Nutrient Management Plan is completed. The proposed variance of a front yard setback of 40 metres satisfies the MDS requirements for the Nutrient Management Plan for the subject property.

✓ *Is desirable for the appropriate development of the lands in question*

The proposed dairy barn location extends into the front yard side yard of the subject lands and is proposed to be partially in the same area a former bank barn was located. The proposed location of the dairy barn would place it in close proximity to the other buildings making up the operation and is strategic for its construction to remove the least amount of viable farmland.

The proposed variance for the front yard setback is compliant with the applicant's Minimum Distance Separation required for their Nutrient Management Plan and also takes into consideration the distance between the existing building to the north of the proposed dairy barn. Potential issues between the buildings such as access and spatial requirements for farm equipment and snow build-up on the buildings were taken into consideration for the proposed front yard setback.

There is also no expected negative impact from the proposed dairy barn on the road network or site visibility like existing sight lines or entrances.

✓ *Is minor in nature*

In this case the relief sought for the new dairy barn is approximately 33%, which can be considered within the normal range of a minor variance. The requested variance is appropriate for the scale of the property and existing farming operation and does not impede on the remainder of the subject lands from a compatibility perspective.

Staff, Agency and Public Comments

This report has been prepared in advance of the public meeting. North Huron staff and commenting agencies were circulated with information on this application. No comments were received from the public circulated on this application. Comments may arise at the public meeting.

Conclusion

The relief being sought would allow for expansion of an agricultural use which is promoted in the North Huron Official Plan, and the application meets the intent of the North Huron Zoning By-law, is minor in nature, and is considered desirable. As the variance requested satisfies all four tests outlined in the Planning Act (1990), as amended, the proposed variance is recommended for approval.

Please note this report is prepared without the benefit of input from the public as may be obtained through the hearing. The Committee should carefully consider any comments and/or concerns expressed at the hearing prior to making their decision on this application.

Original Signed By

Laura Young
Planner