

TOWNSHIP OF
ASHFIELD - COLBORNE - WAWANOSH

Council Agenda July 28, 2020

Township of Ashfield-Colborne-Wawanosh Council will meet in special session on the 28th day of July 2020 at 9:00 a.m. through Zoom, a Video Conferencing Platform.

This meeting is being held electronically as the crisis of COVID-19 allows Councils to conduct their meetings remotely to empower municipalities to respond quickly and continue to function when in-person meetings cannot be held, and Council decisions need to be made.

1.0 CALL TO ORDER

This meeting has been called to consider two planning applications:

- a) Committee of Adjustment - Minor Variance MV07-20 Tradicon Corp
- b) Consent C43-2020 Reinhart

2.0 DISCLOSURE OF PECUNIARY INTEREST / POTENTIAL CONFLICT OF INTEREST

3.0 DELEGATIONS

3.1 9:00 a.m. - Celina Whaling-Rae / County of Huron Planner – Committee of Adjustment

Tradicon Corp – Minor Variance Application File MV07-20

Moved by
Seconded by

OPEN
COMMITTEE
OF
ADJUSTMENT
MEETING

THAT Ashfield-Colborne-Wawanosh Council hereby adjourns the special Council Meeting and hereby opens a Committee of Adjustment Meeting and Hearing to review a Minor Variance Application submitted by Tradicon Corp.

We have provided Council with a copy of the report prepared by the County Planner, Celina Whaling-Rae, regarding this application. Ms. Whaling-Rae will review the application with the Committee of Adjustment.

STAFF COMMENTS: That this application for minor variance be approved subject to the following conditions:

- That the structures be located within the footprint contained on the site plan that accompanied the application.

- That the variances' approval be valid for a period of 18 months from the date of the Committee's decision.

PUBLIC COMMENTS:

APPLICANT COMMENTS:

Moved by
Seconded by

APPROVE
TRADICON
CORP
APPLICATION

THAT Ashfield-Colborne-Wawanosh Committee of Adjustment hereby agrees to approve the Minor Variance Application as submitted by Tradicon Corp, subject to the conditions as noted in the Planner's Report.

Effect of Public and Agency Comments on Decision of Council to the Application

Moved by
Seconded by

CLOSE
COMMITTEE
OF
ADJUSTMENT

THAT Ashfield-Colborne-Wawanosh Committee of Adjustment is hereby closed.

Moved by
Seconded by

RECONVENE
SPECIAL
COUNCIL
MEETING

THAT Ashfield-Colborne-Wawanosh Township Council hereby reconvenes the special Council Meeting of July 28, 2020.

3.2 9:10 a.m. – Celina Whaling-Rae / County of Huron Planner - Consent Application

Carl and Lorraine Reinhardt – Consent File C43-2020

We have provided Council with a copy of the report prepared by Celina Whaling-Rae regarding the application for Consent submitted by Carl and Lorraine Reinhardt. Ms. Whaling-Rae will review the applications with Council.

STAFF COMMENTS: We seek your direction.

4.0 ADJOURNMENT

Moved by
Seconded by

ADJOURN

THAT Ashfield-Colborne-Wawanosh Township Council does now adjourn to meet again on August 11, 2020 at 9:00 a.m. or at the Call of the Mayor.

~



PLANNING & DEVELOPMENT

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To: Township of Ashfield-Colborne-Wawanosh, Mayor, and Members of Council
 From: Celina Whaling-Rae, Planner
 Date: July 22, 2020

Re: Minor Variance Application MV07-20
 Colborne Concession 2 ED, Part Lot 6, RP 22R6185 Part 1, Colborne, Township of Ashfield-Colborne-Wawanosh, known municipally as 81214 Sharpe's Creek Line

Owner/Applicant: Tradicon Corp. (Martin VanderLoo)

This report is submitted to Ashfield-Colborne-Wawanosh (ACW) Council for the public meeting on July 28, 2020.

RECOMMENDATION

It is recommended that the requested variance in application MV07-20 be approved, subject to the following conditions:

1. That the structures be located within the footprint contained on the site plan that accompanied the application.
2. That the structures be constructed as shown in the elevation drawing that accompanied the application.
3. That the variances' approval be valid for a period of 18 months from the date of the Committee's decision.

PURPOSE

This application was submitted for the purpose of permitting a reduced exterior side yard setback to a county road (Londesboro Road). In the case of the subject property, under the definition of 'FRONT LOT LINE' for corner lots, the portion of the property adjacent to Sharpe's Creek Line serves as the front yard, while the portion adjacent to Londesboro Road serves as the exterior side yard. Section 5.4 of the ACW Zoning By-law stipulates that the minimum exterior side yard setback for all structures on the subject property shall be 25 metres from a county road. The applicant is proposing to construct a new warehouse that will be located 18 metres from the lot line adjacent to Londesboro Road.

REVIEW

The subject property is 20 acres (8 hectares). It is zoned AG3-2 (Agricultural Commercial/Industrial – Special Zone) in the ACW Zoning By-law (Zone Map 15), and is designated Agriculture in the ACW Official Plan. The AG3-2 special zone stipulates that the subject property shall have a maximum lot area of 8.5 hectares. The property contains numerous structures used for soybean receiving, storage, and processing. The proposed warehouse is to be used for additional storage.

Section 8.4.4.9 of the ACW Official Plan requires development to be compatible with surrounding uses. Section 45(1) of the *Planning Act* provides the following four tests of a minor variance:

- Is the variance minor?
- Is the variance considered appropriate planning for the subject site?
- Does the development conform with the ACW Zoning By-law?

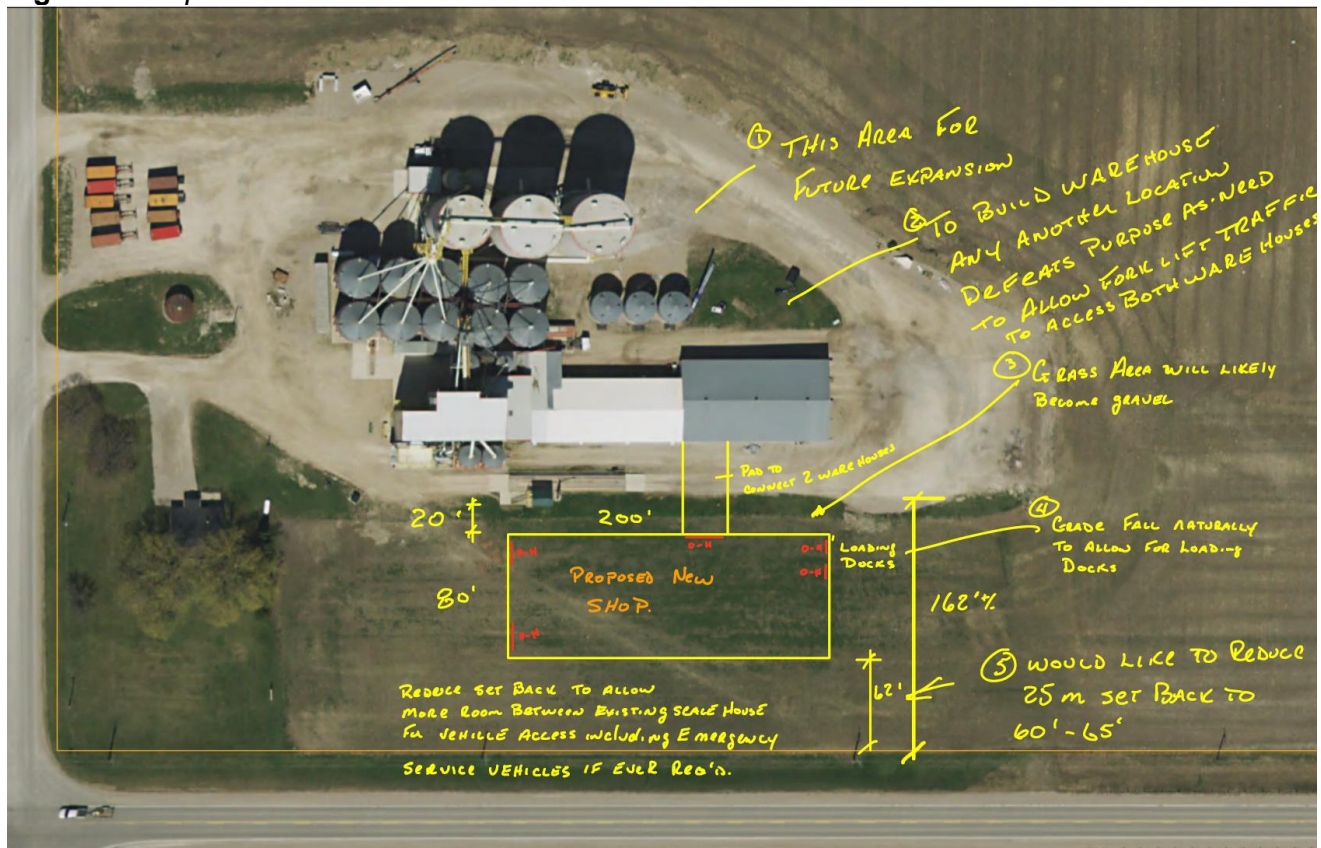
- Does the development conform with the ACW Official Plan?

The variance is minor. The proposal conforms to the County of Huron's By-law 45-1990, which regulates the location of buildings adjacent to county roads. The new warehouse will not impede on Public Works' capacity to maintain, and potentially expand, Londesboro Road.

The variance is considered appropriate planning for the subject site. As was noted in prior conversations with the applicant, the proposed location of the warehouse will allow for a smooth flow of traffic on site, and will ensure future expansion opportunities are maintained. Furthermore, the Chief Building Official has noted that he has no concerns with the location of the proposed warehouse from a fire safety perspective. Finally, as noted on the site plan (Figure 1), the grading in the proposed location falls naturally to allow for the easy construction of loading docks for the proposed warehouse.

The development conforms with the ACW Zoning By-law. The proposed warehouse meets all other provisions of the by-law with regard to proposed use, height, and size. The development also conforms with the ACW Official Plan. Agriculture-related commercial and industrial uses such as that occurring on the subject site are permitted with the Agriculture designation.

Figure 1: Proposed Site Plan



Figures 2 & 3: Elevation Drawings



COMMENTS

	Not Received	No Concerns	Concerns	See Conditions / Comment
Neighbours	✓			
ACW Staff		✓		The Chief Building Official has noted that he has no concerns with the proposed warehouse location from a fire safety perspective.
Huron County Public Works		✓		The proposal conforms with By-law 45-1990.

SUMMARY

It is recommended that minor variance application ACW MV07-20 be approved with conditions requiring that the structure be located within the proposed footprint at the proposed elevations and that the variance’s approval be valid for a period of 18 months from the date of the Committee’s decision.

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

Sincerely,

Celina Whaling-Rae

Celina Whaling-Rae
Planner

**Effect of Public and Agency Comments on Decision of Council to the Planning application
(Pursuant to Sections 17, 22, 34, 35, 45, 51 and 53 of the Planning Act, RSO, 1990, as amended)**

	A. Effect of Public Comments on Decision of Council	B. Effect of Agency Comments on Decision of Council (e.g. Planning, Public Works, Health Unit)
1. Council agrees with effects of input as contained in the planning report	Council concurs with the planning report regarding the effect of public and agency comments on the decision.	
2. No comments received	No public comments were received on this application so there was no effect on the decision.	No agency comments were received on this application so there was no effect on the decision.
3. Supportive comments received	Public comments were received in support of the application, the effect of which resulted in a decision to approve the application.	Agency comments were received in support of the application, the effect of which resulted in a decision to approve the application.
4. Concerns raised were addressed through conditions to approval or changes to mapping or text amendment	Public comments were received on the issue(s) of _____. The comments were address through (conditions to approval/changes to the mapping or text of the amendment).	Comments were received from agencies on the issues of _____. The comments were addressed through (conditions to approval/changes to the mapping or text of the amendment).
5. Concerns raised did not influence the decision	Public comments were received on the issue(s) of _____. Comments were thoroughly considered but the effect did not influence the decision of Council to (approve/deny) the application.	Comments were received from agencies identifying the issue(s) of _____. Comments were thoroughly considered but the effect did not influence the decision of Council to (approve/deny) the application.
6. Concerns raised did influence the decision	Public comments were received on the issue(s) of _____, the effect of which influenced the decision of Council to (approve/deny) the application.	Agency comments were received on the issue(s) of _____, the effect of which influenced the decision of Council to (approve/deny) the application.
7. Comments received in support and opposition to the application	Options from above 1A/3A/4A/5A/6A	Options from above 1B/3B/4B/5B/6B
8. Other	Additional wording deemed appropriate by Council	Additional wording deemed appropriate by Council



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Consent Application Report – Files C43/20 To Ashfield-Colborne-Wawanosh Council

Owner / Applicant: Carl & Lorraine Reinhardt	Date: July 23, 2020
Property Address: 86653 Harper Line	
Property Description: Concession 14, Lot 15, West Wawanosh, Ashfield-Colborne-Wawanosh	

Recommendation: That provisional consent be:

- recommended for approval with the attached conditions
 (and any additional municipal conditions)
 deferred
 recommended for denial (referred to County Council for a
 decision)

Purpose:

- enlarge abutting lot
 create new lot
 surplus farm dwelling
 right-of-way / easement
 other:

	Area	Official Plan Designation:	Zoning:	Structures:
Severed	1.16 ha (2.9 acres)	Agriculture	AG1 (General Agriculture)	House, shed, and barn
Retained	36 ha (89 acres)	Agriculture	AG1 (General Agriculture), NE1 (Natural Environment), and Conservation Authority Regulated Lands	Vacant

Review: This application:

- Is consistent with the Provincial Policy Statement (s. 3(5) Planning Act);
 Does not require a plan of subdivision for the proper and orderly development of the municipality (s.53(1) Planning Act);
 Conforms with section 51(24) of the Planning Act;
 Conforms with the Huron County Official Plan;
 Conforms with the Ashfield-Colborne-Wawanosh Official Plan;
 Complies with the Ashfield-Colborne-Wawanosh Zoning By-law (or will comply subject to a standard condition of rezoning or minor variance);
 Has been recommended for approval by the local municipality; and
 Has no unresolved objections/concerns raised (to date) from agencies or the public.
 (Applications that do not meet all of the foregoing criteria will be referred to the County Council Day 1 for a decision)

Comments Received:

	Not Received	Received	Comments / Concerns
Neighbours		✓	One neighbour has requested a notice of decision.
ACW Staff		✓	No concerns

Township of Huron Kinloss		✓	No concerns
Huron County Public Works		✓	No concerns
Ausable Bayfield Maitland Valley Source Protection	✓		

Additional Comments:

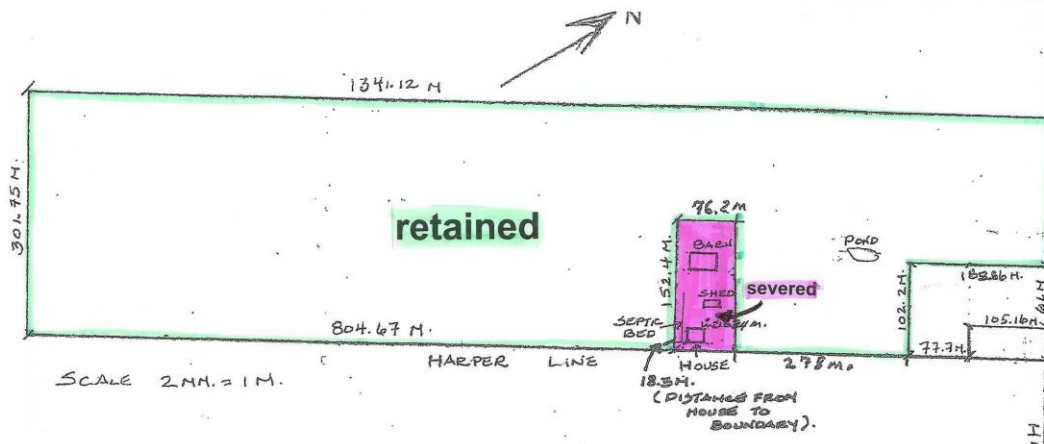
This consent application was submitted for the purpose of severing a surplus farmhouse residence. This is a reverse surplus severance application, meaning that while the residence is not surplus to the current owners, they have an interested purchaser for the retained lands to whom the residence would be surplus.

The proposed severed lands are 2.9 acres in size, and contain a residence, a shed, and a barn. The proposed retained lands are 89 acres in size, and do not contain any structures. The property is zoned AG1 (General Agriculture) and NE1 (Natural Environment) with Conservation Authority Regulated Lands (Zone Map 6).

The Provincial Policy Statement (2020), Huron County Official Plan, and ACW Official Plan regulate lot creation with the Agricultural designation in Huron County. Section 2.3.4 of the Provincial Policy Statement (PPS) requires that municipalities use an approach when allowing surplus farmhouse severance that ensures no new residential dwellings are permitted on remnant parcels to ensure the preservation of prime agricultural lands. As a result, both the Huron County and ACW Official Plans contain criteria that must be met with respect to surplus severance proposals in order to be recommended for approval. One such criteria under Section 3.5.9 of the ACW Official Plan is that there has been no previous separation of land for residential purposes from the farm as it existed on June 28, 1973 (the day the *Planning Act* came into force and effect), other than in a settlement area. In this instance, there has been two prior severances of the subject farm for residential purposes; one prior to 1973, and one in 1974. As such, this proposal does not meet the eligibility criteria for severances under the surplus residence policies, and is recommended for denial.

Comments on the subject application were received from a neighbour, ACW staff, the Township of Huron Kinloss, and Huron County Public Works. The neighbour has requested to be circulated on the notice of decision for the application. All other agencies have no concerns with the proposal.

Figure 1: Sketch of the Consent Proposal



Figures 2 & 3: Images of the Property



Figure 4: Aerial of the Property (severed outlined in red; retained outlined in blue)



Due to the subject application being disputed consent, it will be brought before Huron County Council for a final decision.

Respectfully,

Celina Whaling-Rae

Celina Whaling-Rae
Planner