

**PUBLIC HEARING**  
**MUNICIPALITY OF HURON EAST**  
**Tuesday, June 4<sup>th</sup>, 2019 – 7:00 P.M.**

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, June 4<sup>th</sup>, 2019 at 7:00 p.m. All members of Council were in attendance with the exception of Mayor Bernie MacLellan.

Also present for the public hearing were:

- Huron County Planning and Development Department Senior Planner Denise Van Amersfoort
- Merle Hoegy, applicant of minor variance application A05/2019
- Bruce Blake, applicant of minor variance application A06/2019

**CALL TO ORDER & MAYORS REMARKS**

Deputy Mayor Robert Fisher called the meeting to order at 7:00 p.m.

**CONFIRMATION OF THE AGENDA**

*Moved* by Dianne Diehl and seconded by Gloria Wilbee:  
That the Agenda for the Public Hearing of the Committee of Adjustment dated June 4<sup>th</sup>, 2019 be adopted as circulated. Carried.

Adopt Agenda

**DISCLOSURE OF PECUNIARY INTEREST**

**MINOR VARIANCE APPLICATION A05/2019**

The Clerk explained the purpose of the meeting was to consider a minor variance application by Brussels Agromart Ltd. – Merle Hoegy on 251 Albert Street, Concession 9, Part of Lot 1 Plan 192, Part of Walnut Street, Part of Reserve Plan 6, Part of Cypress Street RP 22R-1299, Part 1 of RP 22R-3503, Parts 3 and 4 of 22R-4135, Parts 3 and 4 of RP 22R-63, Grey Ward.

The Clerk advised that a notice of the Committee of Adjustment public hearing had been circulated to all government agencies and adjoining property owners as provided by the legislation and one reply was received from the Huron County Planning and Development Department.

**Huron County Planning and Development Department**

Huron County Senior Planner Denise Van Amersfoort reviewed her report to Council dated May 28<sup>th</sup>, 2019 concerning the minor variance application on Concession 9, Part of Lot 1 Plan 192, Part of Walnut Street, Part of Reserve Plan 6, Part of Cypress Street RP 22R-1299, Part 1 of RP 22R-3503, Parts 3 and 4 of 22R-4135, Parts 3 and 4 of RP 22R-63, Grey Ward with the following points being highlighted.

Ms. Van Amersfoort advised that the purpose of the application is to permit a reduced front yard setback for an addition to an existing industrial warehouse structure from 10 metres to 5 metres.

Ms. Van Amersfoort noted that the subject property contains an existing industrial operation including several warehouses, a shop, an office, and silos. It is zoned Industrial (IND) in the Huron East Zoning By-Law and is designated Industrial in the Huron East Official Plan. The property is 5.4 acres in size and adjacent land uses include industrial to the north, agricultural to the east, residential to the south and community facilities to the west. It was noted the location of the site at a bend in the road and the front yard setbacks for the adjacent residential uses minimizes any visual or traffic impacts of the proposed addition. The proposed setback and the existing low fence provide sufficient distinction between the public allowance and the private industrial lands. The proposed addition is not anticipated to have negative impacts on the adjacent residential lands or the future residential uses of those lands. Council were also advised that a planting strip is required between residential uses and industrial uses in Brussels. As the proposed development is subject to site plan control, this matter will be reviewed through the site plan process.

Ms. Van Amersfoort also noted that comments were received from Drinking Water Source Protection as the property is in the Wellhead Protection Area of one of the Brussels Wells stating that no prohibition or risk management plan is required for existing or proposed uses.

The Planning Department advised the variance requested is minor, appropriate and maintains the intent of both the Huron East Official Plan and Huron East Zoning By-Law and recommended approval of the variance.

**Moved** by Dianne Diehl and seconded by John Lowe:

THAT Council of the Municipality of Huron East, acting as Committee of Adjustment, has held a public meeting pursuant to Section 45 of the Planning Act, 1990 with respect to minor variance application A05/2019;

AND WHEREAS agency comments were received from the Huron County Planning Department recommending approval of the application;

AND WHEREAS agency comments were received from the Drinking Water Source Protection stating that no prohibition or risk management plan is required for existing or proposed land uses;

AND WHEREAS no public comments were received on this application;

NOW THEREFORE, the Committee of Adjustment approves the minor variance application A05/2019 by Brussels Agromart Ltd. – Merle Hogey on 251 Albert Street, Concession 9, Part of Lot 1 Plan 192, Part of Walnut Street, Part of Reserve Plan 6, Part of Cypress Street RP 22R-1299, Part 1 of RP 22R-3503, Parts 3 and 4 of 22R-4135, Parts 3 and 4 RP 22R-63, Grey Ward to permit the following variance from By-Law 52-2006:

1. Section 32.3 – reduce the front yard setback requirement for a building in the Industrial (IND) zone from a minimum of 10 metres to 5 metres.

Carried.

### **MINOR VARIANCE APPLICATION A06/2019**

The Clerk explained the purpose of the meeting was to consider a minor variance application by Bruce and Michelle Blake on 43334 Moncrieff Road, Lot 9, Concession 15, Grey Ward.

The Clerk advised that a notice of the Committee of Adjustment public hearing had been circulated to all government agencies and adjoining property owners as provided by the legislation and one reply was received from the Huron County Planning and Development Department.

#### **Huron County Planning and Development Department**

Huron County Senior Planner Denise Van Amersfoort reviewed her report to Council dated May 29<sup>th</sup>, 2019 concerning the minor variance application on Lot 9, Concession 15, Grey Ward with the following points being highlighted.

Ms. Van Amersfoort advised that the purpose of the application is to reduce the Minimum Distance Separation (MDS) setback of 432 metres from a proposed swine barn to neighbouring homes as follows:

- i) to 400 metres to the residence to the west located on 43254 Moncrieff Road
- ii) to 380 metres to the residence to the east located on 43410 Moncrieff Road

Ms. Van Amersfoort advised the subject lands are designated Agriculture in the Huron East Official Plan and zoned General Agriculture (AG1) in the Huron East Zoning By-Law. The subject property is 100 acres in size and contains an existing residence, bank barn, swine barn and driving shed. The applicant is proposing to build a new feeder barn that will measure approximately 14 metres by 75 metres with a total floor area of 1050m<sup>2</sup>. The applicant is unable to comply with the MDS setbacks to the closest neighbouring homes east and west of the subject property for several reasons:

- i) significant changes in topography north of the existing building cluster
- ii) Huron East Zoning By-Law requires that new livestock housing be located a minimum setback away from a municipal drain
- iii) proposed location allows the applicant to co-locate the new barn with the existing barn and other infrastructure. The original proposed location did not meet the minimum distance required to the home to the south, but the applicant was willing to shift the barn north to the current proposed location in order to comply

The proposed barn is situated in a position which minimizes its potential impacts on both off-property residences to the east and west. Since the proposed variances maintain an appropriate setback from the two closest off-site residences, the intent of both the Zoning By-Law and the Official Plan are maintained.

Ms. Van Amersfoort also noted that comments were received from the Maitland Valley Conservation Authority advising that the proposed barn is well outside the limits of the ground water recharge area and they had no objection to the minor variances.

The Planning Department advised the variances requested are minor, appropriate and maintain the intent of both the Huron East Official Plan and Huron East Zoning By-Law and recommended approval of the variances with the following condition:

1. The proposed barn be constructed a minimum of 14 metres north of the most northerly manure tank on the subject property

**Moved** by Zoey Onn and seconded by Raymond Chartrand:

THAT Council of the Municipality of Huron East, acting as Committee of Adjustment, has held a public meeting pursuant to Section 45 of the Planning Act, 1990 with respect to minor variance application A06/2019;

AND WHEREAS agency comments were received from the Huron County Planning Department recommending approval of the application;

AND WHEREAS agency comments were received from the Maitland Valley Conservation Authority indicating they have no objection to the minor variance;

AND WHEREAS no public comments were received on this application;

NOW THEREFORE, the Committee of Adjustment approves the minor variance application A06/2019 by Bruce and Michelle Blake on 43334 Moncrieff Road,

Concession 15, Lot 9, Grey Ward to permit the following variances from By-Law 52-2006:

1. Section 4.5 as follows:

→ To reduce the Minimum Distance Separation from the residence located on 43254 Moncrieff Road (Concession 15, Lot 8) from 432 metres to 400 metres; and

→ To reduce the Minimum Distance Separation distance from the residence located on 43410 Moncrieff Road (Concession 15, Lot 10) from 432 metres to 380 metres.

Subject to the condition that the barn be constructed a minimum of 14 metres north of the most northerly manure tank.

Carried.

**Moved** by Raymond Chartrand and seconded by Gloria Wilbee:

That the Public Hearing for the Committee of Adjustment be closed at 7:17 p.m. Carried.

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Robert Fisher, Deputy Mayor

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Brad Knight, CAO/Clerk