

PUBLIC HEARING
MUNICIPALITY OF HURON EAST
Tuesday, May 14th, 2019 – 6:33 P.M.

Huron East Municipal Council met in the Council Chambers of the Municipal Office, Seaforth on Tuesday, May 14th, 2019 at 6:33 p.m. All members of Council were in attendance with the exception of Deputy Mayor Robert Fisher and Councillor Zoey Onn.

Also present for the public hearing were:

- Huron County Planning and Development Department Senior Planner Denise Van Amersfoort
- Remo Schlumpf, applicant of the minor variance application

CALL TO ORDER & MAYORS REMARKS

Mayor Bernie MacLellan called the meeting to order at 6:33 p.m.

CONFIRMATION OF THE AGENDA

Moved by Gloria Wilbee and seconded by Raymond Chartrand:
That the Agenda for the Public Hearing of the Committee of Adjustment dated May 14th, 2019 be adopted as circulated. Carried.

Adopt Agenda

DISCLOSURE OF PECUNIARY INTEREST – None declared.

MINOR VARIANCE APPLICATION A03-2019

The Clerk explained the purpose of the meeting was to consider a minor variance application by Remo Schlumpf on South Part Lot 20, Concession 6 and Lot 20 less highway, Concession 7, 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 Senior Planner Denise Van Amersfoort of the Huron County Planning & Development Department dated May 8th, 2019.

Huron County Planning and Development Department

Huron County Senior Planner Denise Van Amersfoort reviewed her report to Council concerning the minor variance application on South Part Lot 20, Concession 6 and Lot 20 less highway, Concession 7, Grey Ward with the following points being highlighted.

The purpose of the application is to permit reduced Minimum Distance Separation (MDS) setbacks from the proposed manure storage to the Mount Pleasant Cemetery as follows:

- Reduce the Minimum Distance Separation distance for the proposed manure storage from 548 metres to 370 metres.

Council were advised that in February of 2019, the Committee approved a reduced MDS setback for the proposed manure storage, reducing the setback to the cemetery from 548 metres to 430 metres. During site preparation for the manure storage facility, unsuitable soils were discovered and the applicant has applied for a different location which is 60 metres closer to the cemetery than the previous location.

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 125 acres in size and contains an existing residence, unused manure storage facility and grain bins. The proposed manure storage is requested to be located in proximity to residence, within the required MDS setback to the Mount Pleasant Cemetery. The cemetery is located to the northeast of the proposed location of the barn. The applicant is proposing to build a sixty (60) head dairy barn and manure storage. The dairy barn meets the required MDS setback from the cemetery. In the revised application, the applicant has stated that further soils investigation demonstrated that the location approved through the original variance application is not ideal for manure storage construction. A second location, on the north side of the proposed barn and 60 metres closer to the cemetery, has less ground water infiltration which will mean less potential for heaving and tank uplift. This position is supported by a letter from Professional Engineer Robert Koopmans, which states “Not only will the second location provide more hydraulically secure soil, the moisture content of the second location is more manageable”.

The cemetery property is 7.25 acres in size with 5.5 acres designated Natural Environment and 1.75 acres designated Community Facility. It was noted the MDS formula requires different setbacks for different types of uses; land uses are categorized as either Type A or Type B land uses. Type B land uses require larger setback distances, double the distance of a Type A land use. For the purpose of establishing a barn (MDS II), actively used cemeteries are to be treated as a Type B land use when calculating the required setback distance. It is for this reason that the 'double distance requirement' is applied to the Mount Pleasant Cemetery; it is, however, important to note that the level of human occupancy and activity is much lower than other Type B land uses.

Ms. Van Amersfoort advised the requested variance is considered to be minor and appropriate and maintains the intent of both the Official Plan and Zoning By-Law. The Huron County Planning Department recommended minor variance application be approved.

Moved by Dianne Diehl 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 A03-2019;
AND WHEREAS agency comments were received from the Huron County Planning Department recommending approval of the application;
AND WHEREAS no public comments were received on this application;
NOW THEREFORE, the Committee of Adjustment approves the minor variance application A03/2019 by Remo Schlumpf on 85251 Mt. Pleasant Line, South Part Lot 20, Concession 6 and Lot 20 less Highway, Concession 7, Grey Ward to permit the following variance from By-Law 52-2006:


1. Section 4.5 – reduce the Minimum Distance Separation setback for the proposed manure storage to the Mount Pleasant Cemetery from 548 metres to 370 metres.

Carried.

Moved by John Lowe and seconded by Joseph Steffler:

That the Public Hearing for the Committee of Adjustment be closed at 6:41 p.m. Carried.

Bernie MacLellan, Mayor



Brad Knight, CAO/Clerk