



Township of North Stormont

Agenda

Committee of Adjustment
Friday, January 31, 2025 @ 8:30 AM
Council Chambers

Page

1. CALL TO ORDER

- 1.1. BE it resolved this public hearing regarding Minor Variance Applications/File No. A-2025-01 (Muir) and A-2025-02 (Elshof) be opened at ____ a.m.

2. ADOPTION OF AGENDA (AMENDMENTS, ADDITIONS OR DELETIONS)

- 2.1. BE it resolved that the agenda be approved as presented.

3. DISCLOSURE OF PECUNIARY INTEREST

4. APPOINTMENTS

- 4.1. Appoint a Committee Chair
Be it resolved that the Committee hereby appoints Mayor, François Landry as the Chair for the Committee of Adjustment.
- 4.2. Appoint a New Secretary-Treasurer
BE it resolved that the Committee of Adjustment for Minor Variances appoint Lea Anne Munro as Secretary-Treasurer to fill this vacant position effective February.

5. ADOPTION OF MINUTES OF PREVIOUS MEETING

- 5.1. BE it resolved that the following minutes be approved as presented: 3 - 5
November 27, 2024
[Committee of Adjustment - 27 Nov 2024 - Minutes](#)

6. PRESENTATIONS

- 6.1. Minor Variance Application & Planning Report/File No. A-2025-01 (Muir) 6 - 16
BE it resolved that the Committee of Adjustment receives the planning report for File No. A-2025-01 (Muir) as presented.
[A-2025-01 \(Muir\) Application](#)
[A-2025-01 \(Muir\) Planning Report](#)
- 6.2. Minor Variance Application & Planning Report/File No. A-2025-02 17 - 30
(Elshof)
BE it resolved that the Committee of Adjustment receives the planning report for File No. A-2025-02 (Elshof) as presented.

7. QUESTION PERIOD RESERVED FOR MEMBERS OF THE PUBLIC

8. DECISION

- 8.1. THAT the Committee of Adjustment approves the Minor Variance Application/File No, A-2025-01 to permit relief from Section 7.2 (2) of Zoning By-law No. 08-2014, which states that the properties zoned General Commercial (CG) need a minimum front yard setback of 7.5 m. The proposed setback is 6.5 m. 31

[A-2025-01 \(Muir\) Draft Decision](#)

- 8.2. THAT the Committee of Adjustment denies the Minor Variance Application/File No, A-2025-02 to permit relief from Section 3.22 of Zoning By-law No. 08-2014, which provides minimum distance separation (MDS II) for new or expanding livestock facilities from existing development. The proposed location of the expanding livestock facility on the subject land does not meet the MDS II setbacks required from an existing residential dwelling. 32

[A-2025-02 \(Elshof\) Draft Decision](#)

9. ADJOURNMENT

- 9.1. BE it resolved that this Public Hearing be adjourned at ____ a.m.



**Township of North Stormont
MINUTES
Committee of Adjustment
Wednesday, November 27, 2024
Council Chambers
8:30 AM**

COUNCIL PRESENT: François Landry, Chairman
Alison McDonald, Member
Luc Genereux, Member
Michael Houston, Member

STAFF PRESENT: Anmol Burmy, Secretary-Treasurer & Junior Planner, Township of North Stormont

APPLICANT PRESENT: Not Present.

1. CALL TO ORDER

COA-78-2024 *Moved by Luc Genereux, Seconded by Councillor McDonald
BE it resolved this public hearing regarding Minor Variance Applications/File
No. A-2024-23 (G&E Reno) and A-2024-24 (McBain Subdivision) be opened at
8:30 a.m.*
CARRIED

2. ADOPTION OF AGENDA (amendments, additions or deletions)

COA-79-2024 *Moved by Councillor McDonald, Seconded by Michael Houston
BE it resolved that the agenda be approved as presented.*
CARRIED

3. DISCLOSURE OF PECUNIARY INTEREST

4. ADOPTION OF MINUTES OF PREVIOUS MEETING

COA-80-2024 *Moved by Michael Houston, Seconded by Councillor McDonald
BE it resolved that the following minutes be approved as presented:
October 31, 2024*
CARRIED

5. PRESENTATIONS

Minor Variance Application & Planning Report/File No. A-2024-23 (G&E Reno)

COA-81-2024 *Moved by Councillor McDonald, Seconded by Michael Houston*
BE it resolved that the Committee of Adjustment receives the planning report for File No. A-2024-23 (G&E Reno) as presented.
CARRIED

Minor Variance Application & Planning Report/File No. A-2024-24 (McBain)

COA-82-2024 *Moved by Michael Houston, Seconded by Councillor McDonald*
BE it resolved that the Committee of Adjustment receives the planning report for File No. A-2024-24 (McBain) as presented.
CARRIED

6. QUESTION PERIOD RESERVED FOR MEMBERS OF THE PUBLIC

A-2024-23 (G&E Reno)

Member McDonald

Alison McDonald made a statement saying that we should educate developers on the process of building new homes and making sure that setbacks for their specific zones are met.

The Junior Planner agreed and stated that this was a last-minute decision by the building to put brick on the corner instead of siding due to aesthetic reasons. Chair Landry also stated that a lot of builders decide to put brick on corner lots inside of siding these days.

A-2024-24 (McBain/Countryside Acres Subdivision)

Member McDonald

Q: Would it be too tight to have the setbacks at 1.2 when there are A/C units between the homes? Also, how many phases are there for this subdivision?

A: The Junior Planner and Chair Landry confirmed that there are 6 phases and that a lot of other municipalities have 1.2 metres as their interior yard setbacks, we just haven't updated our zoning by-law to reflect that as of right now.

Member Genereux

Q: How do you differentiate a home for sale from a model home? Also Member Genereux mentioned that he believes that requests are such should have fixed addresses, meaning we should put a condition into the decision which states which lots the increase in model home percentage applies to.

A: The Junior Planner stated that model homes cannot connect to water and sewer and are not livable until the Building Department gives them an occupancy permit and that we can add the specific lots of the final decision that is signed. It was also stated that this minor variance was being asked due to

time constraints as all the units they are planning to build have been sold for February occupancy.

7. DECISION

- COA-83-2024 *Moved by Luc Genereux, Seconded by Michael Houston*
THAT the Committee of Adjustment approves the Minor Variance Application/File No, A-2024-23 to permit relief from Section 6.2 (2) of Zoning By-law No. 08-2014, which requires all new dwellings in a residential second density (R2) zone to have a minimum exterior side yard setback to be 6.0 metres to 5.94 metres.
CARRIED
- COA-84-2024 *Moved by Michael Houston, Seconded by Councillor McDonald*
THAT the Committee of Adjustment approves the Minor Variance Application/File No, A-2024-23 to permit relief from section 3.24 (2) which states that the maximum number of model homes shall not exceed 5% of the total number of lots intended for single detached dwellings, semi-detached dwellings or townhouse purposes within the plan of subdivision proposed for registration. The developer would like to exceed the percentage to 26% of the total number of lots in Phase 1, with the conditions that the variance only applies to Phase 1 of the Countryside Estates subdivision (01-NS-S-2023), that a maximum of 16 units may be used for model homes and that the side yard setbacks for the semi-detached and townhome model homes be reduced to 1.2 metres in accordance with the approved grading plan, and that the variance only applies to Lots 2, 13, 20, 22, 23, 26, 27, 32 and Block 38.
CARRIED

8. ADJOURNMENT

- COA-85-2024 *Moved by Luc Genereux, Seconded by Councillor McDonald*
BE it resolved that this Public Hearing be adjourned at 9:00 a.m.
CARRIED

François Landry, Chair

Secretary-Treasurer, Anmol Burmy



The Corporation of the Township of NORTH STORMONT

P.O. Box 99
15 Union Street
Berwick, ON
K0C 1G0

APPLICATION FOR A MINOR VARIANCE

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE CORPORATION OF THE TOWNSHIP OF NORTH STORMONT UNDER SECTION 45 OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, FOR RELIEF AS DESCRIBED IN THIS APPLICATION, FROM BY-LAW NO. 08-2014 AS AMENDED.

☐ MINOR VARIANCE – S. 45(1)

☐ PERMISSION – S. 45(2)

APPLICANT INFORMATION

Name of Applicant: Cameron Muir

Mailing Address: 16426 Centennial drive Avonmore ONT K0C 1G0
(Street Address) (Town) (Province) (Postal Code)

Phone Number: 613-404-7786
(Home) (Work) (Fax)

Email Address: CSmuir22@gmail.com

Name of Agent (if applicant is not the registered owner): _____

Mailing Address: _____
(Street Address) (Town) (Province) (Postal Code)

Phone Number: _____
(Home) (Work) (Fax)

Email Address: _____

PROPERTY INFORMATION

Municipal Address: 16426 Centennial drive, Avonmore

Legal Description: Lot _____ Concession _____

Part _____ Plan No. _____

Lot Size: Frontage: _____ Depth: _____ Area: _____



The Corporation of the Township of NORTH STORMONT

P.O. Box 99
15 Union Street
Berwick, ON
K0C 1G0

PLANNING INFORMATION

4. Current Official Plan designation: Rural Settlement Area
5. Current Zoning of the Subject Land: CG-12
6. What is the nature and extent of relief from the Zoning By-law?
Relief from section 7.2(2) of zoning by-law. From 7.5m to 6.5m.
7. For What Reason (why) is the minor variance requested?
Same as above.
8. Is the access to the subject land by a Provincial Highway, by a municipal road that is maintained all year or seasonally, by another public road, by a right of way or by water?
yes
9. What is the existing use(s) of the subject land?
Residential.
10. What is the proposed use of the subject land?
Residential.
11. Is the subject property located within a Well Head Protection Area (WHPA) as indicated within the Source Water Protection Plan (please visit www.yourdrinkingwater.ca for further information)?
No.



The Corporation of the Township of NORTH STORMONT

P.O. Box 99
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Berwick, ON
K0C 1G0

PLANNING INFORMATION CONTINUED

12. Are there any existing buildings or structures on the subject land? ☒ Yes ☐ No

(If the answer is yes, for each building or structure, what is the type of building or structure, the setback in metres from front lot line, rear lot line and side lot lines, the height of each building or structure and the dimensions or floor area of each building or structure?)

1. House
2. Small Shed.

13. Are any buildings or structures proposed to be built on the subject land? ☒ Yes ☐ No

(If the answer is yes, for each building or structure, what is the type of building or structure, the setback in metres from front lot line, rear lot line and side lot lines, the height of each building or structure and the dimensions or floor area of each building or structure?)

Garage 40' x 40'

14. What date was the subject land acquired by the current owner?

July 2023

15. What date were the existing buildings or structures erected on the subject land?

Buildings:

Single Dwelling - 1970s

Structures:

1A



The Corporation of the Township of NORTH STORMONT

P.O. Box 99
15 Union Street
Berwick, ON
K0C 1G0

PLANNING INFORMATION CONTINUED

16. What is the length of time that the existing uses have continued on the subject land?

Always.

17. Is water provided to the subject land by a publically owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means?

No

18. Is sewage disposal provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means?

No

19. Is storm drainage provided by sewers, ditches, swales or other means?

No

20. If known, is the subject land ever been the subject of an application under Section 45 (Minor Variance) of the Act? Yes ☐ No ☒

(If the answer is yes, what was the date, the file number and the purpose of the application?)

Date: _____ File No.: _____

Purpose: _____

21. If known, is the subject land the subject of an application under the Planning Act for approval of a plan of subdivision or a consent? Yes ☐ No ☒

(If the answer is yes, and if known, what is the file number of the application and the status of the application?)



The Corporation of the Township of NORTH STORMONT

P.O. Box 99
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Berwick, ON
K0C 1G0

SKETCH REQUIREMENTS

A sketch must be attached to this application showing the following (in metric units):

- i) The boundaries and dimensions of the subject land.
- ii) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. *Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetland, wooded area, wells and septic tanks.*
- iv) The current uses on land that is adjacent to the subject land (neighbouring land uses).
- v) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- vi) If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii) The location and nature of any easement affecting the subject land.

SWORN DECLARATION

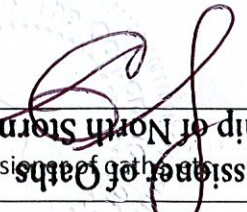
I/We, Cameron Muir of the Township of North Stormont
Of _____ in the District of/ Municipality of/ County of SDG

Solemnly declare that all the statements contained in this application and all the supporting documents are true, and I make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, by virtue of the "Canada Evidence Act".


SWORN/DECLARED AT 15 Union St. Berwick ON

In the Township of North Stormont

This 6th day of January 2024



Commissioner of Oaths
Township of North Stormont



Applicants



The Corporation of the Township of NORTH STORMONT

P.O. Box 99
15 Union Street
Berwick, ON
K0C 1G0

UNDERTAKING FOR ONTARIO MUNICIPAL BOARD APPEAL

TO: Township of North Stormont

FROM: Name: Cameron Muir

Address: 16426 Centennial drive, Avonmore

SUBJECT: APPLICATION FOR A MINOR VARIANCE

Address of Site: 16426 Centennial drive, Avonmore

Where the Committee of Adjustment of the Township of North Stormont substantially supports the application for a Minor Variance,

Name of Applicant: Cameron Muir

Hereby undertakes to pay, in accordance with Section 3 of Schedule A of By-law 01-2015 of the Township of North Stormont, upon receipt of invoice from the Township, any and all legal costs, including all disbursements of the Township, in respect of preparation for and attendance at an Ontario Municipal Board hearing, until the matter is finally resolved by the said Board.

It is hereby acknowledged that "hearing" shall include all attendances before the Board in respect of the said application whether in person, telephone conference call or other means as directed by the Board.

Dated this 6 day of January, 2025.

Please complete 1 or 2.

1.

[Signature]
Signature of Applicant

2.

Corporate name (if applicable)

CAMERON MUIR
Please Print Name

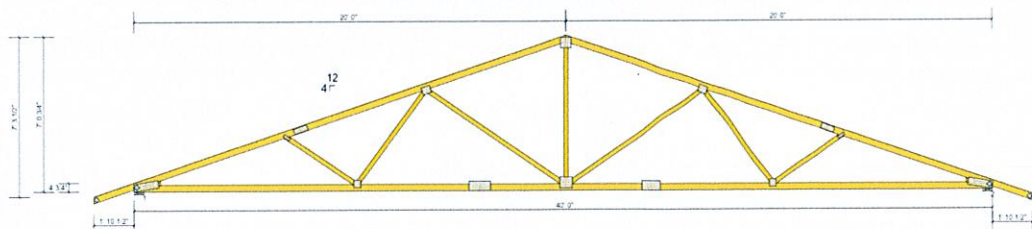
(Authorized Signature) I have the authority to bind the Corporation

[Signature]
Signature of Witness

(Please print Name and Title)

Anmol Burmy
Please Print Name

Garage Plans - PG.2 - Site Layout/Truss Drawings



Roof Plane Sheathing Area = 1747 ft² Square Ft
 Gable Sheathing Area = 0 ft² Square Ft
 Fascia Material = 168 ft Linear Ft
 Valley Flashing Material = 0 ft Linear Ft
 Ridge Cap Material = 38 ft Linear Ft
 Hip Ridge Material = 0 ft Linear Ft

Roof Plane Material Information:

Use only as guidelines only. Values may not be exact.

THIS LAYOUT IS IN COMPLIANCE WITH OBC REG. 332/12 AND CAN/CSA-086.09 ENGINEERING DESIGN IN WOOD (L.S.D.) AND TPIC 2014.

LVL LP SolidStart NOTE: (CCMC#12472-R)
 ALL LVL'S ARE 1-3/4" WIDE VERSA-LAM 3100SP 2.0E

TRUSS LOADING CONDITIONS			
PART 9		PART 4	
TOP CHORD LIVE:	35.9 lb/ft ²	TOP CHORD LIVE:	48.4 lb/ft ²
TOP CHORD DEAD:	3.0 lb/ft ²	TOP CHORD DEAD:	5.0 lb/ft ²
BOT. CHORD LIVE:	10.0 lb/ft ²	BOT. CHORD LIVE:	10.0 lb/ft ²
BOT. CHORD DEAD:	7.0 lb/ft ²	BOT. CHORD DEAD:	7.0 lb/ft ²
TOTAL LOAD (PSF):	55.9 lb/ft ²	TOTAL LOAD (PSF):	70.4 lb/ft ²

IF WIND IS REQUIRED IN A PART 4 DESIGN,
 LOADS ARE CALCULATED WITH: q=10.0 lb/ft² 12' REF. HT.
 CAL'D INT. PRESS. = 6.30psf, CATEGORY 2 BUILDING
 S 0/7.0 TCDL/BCDL. OPENINGS MAINLY ON THE WINDWARD SIDE.
 SPACING: 24" o.c. UNLESS OTHERWISE NOTED



The Township of North Stormont COMMITTEE OF ADJUSTMENT

Prepared for:	Committee of Adjustment
Meeting Date:	January 31 st , 2025
Subject:	Minor Variance Application A-2025-01 (Muir)
Owner/Applicant:	Cameron Muir
Roll No.:	041101600481200
Property Location:	Concession 3, Part of Lot 29 Geographic Township of Roxborough, Township of North Stormont



Purpose of the Application

To permit relief from section 7.2 (2) of the Zoning By-Law 08-2014 which states that the properties zoned General Commercial (CG) need a minimum front yard setback of 7.5 m. The proposed setback is 6.5 m.

Effect of the Application

1. Reduce front yard setback from 7.5 m to 6.5 m.

The proposed reduction would allow the owner to build a 40 ft by 40 ft garage on the property.

Background

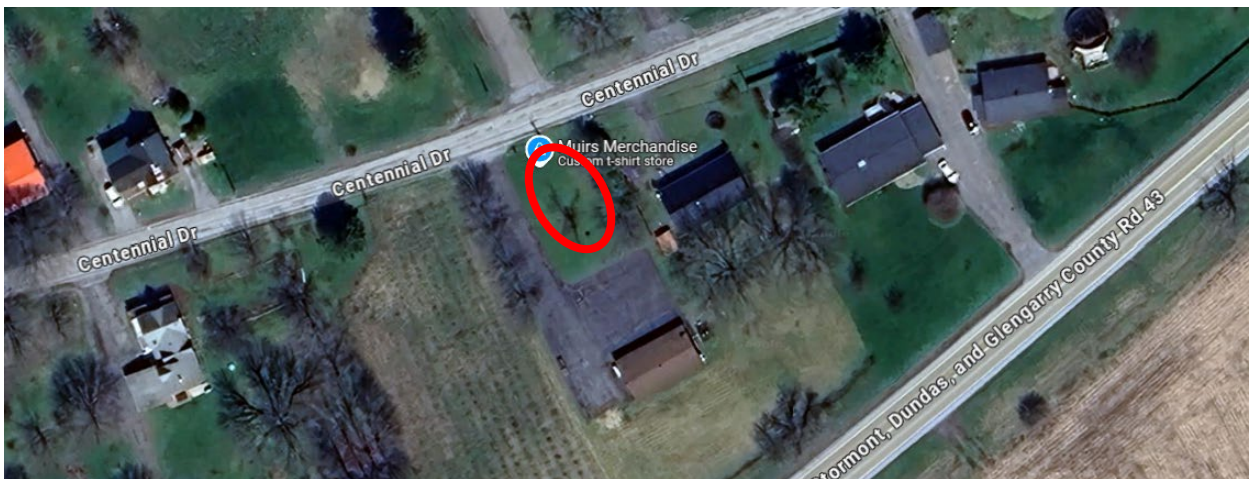
The total area of the subject site is +/- 0.92 acres and is surrounded by other residential properties. Its primary access is on Centennial Road and the property backs on County Road 43.

According to the Township's Zoning By-law, the subject property is zoned "General Commercial – Special Exception 12 (CG-12)" and is designated as "Rural Settlement Area" in the United Counties of SDG Official Plan. The property was rezoned to CG-12 in 2018 to permit a single-family dwelling as a permitted use in addition to the uses permitted in the General Commercial (CG) zone.

The requested variances are essential due to the fact that the property owner has already begun construction and has placed the concrete pad for the proposed garage approximately one meter too close to the front yard property line. This variance is needed to bring the construction into compliance with zoning regulations. Currently, the property features a single detached residential dwelling, and the proposed garage is intended to serve as a personal woodworking shop and storage facility. The owners require additional space in the garage to store personal belongings and tools that are integral to their daily activities. The owner experienced a misunderstanding regarding the location of their property line, as they had assumed it was situated where the hydro pole is located. In reality, the property line is actually one meter behind the pole.



Subject Property – Entrance



Subject Property – Proposed location of Garage

Circulation

The proposal was circulated to all adjacent landowners within 60 metres of the subject property, as well as all prescribed agencies and persons described under Section 45 of the Planning Act.

At the time of writing, no comments have been received.

Summary of Four Tests

1. Is the general intent and purpose of the Official Plan (OP) maintained?

- The subject lands are designated “Rural Settlement Area” under the United Counties of SDG Official Plan
- Table 3.5 outlines the scope of uses permitted within the Rural Settlement Area, which includes residential and commercial uses. The proposal is in keeping with the uses intended for the Rural Settlement Areas and does not conflict with normal residential operations.
- Section 3.4.6 states that in a Rural District there can be a variety of residential uses on existing lots of record.
- Considering the above, staff are of the opinion that the proposal would be in keeping with the general intent and purpose of the Official Plan.

2. Is the general intent and purpose of the Zoning By-law maintained?

- The subject lands are zoned “General Commercial – Special Exception 12 (CG-12” under the Township’s Zoning By-law.
- Section 7.2 (a) states that front yard setbacks of a building on General Commercial Lands needs to be 7.5 metres. The proposed setback is 6.5 metres from the front lot line. The intent of the minimum front yard setback in the by-law is to ensure that buildings are adequately placed on the property and provide an appropriate distance from neighbouring properties and the road. The proposed building is following all other necessary yard setbacks but due to a misunderstanding of the placement of the lot line is a metre too close to the front lot line.
- The proposed lot otherwise meets or exceeds the development standards within the General Commercial (CG) zone.
- Considering the above, staff are of the opinion that the proposal would be in keeping with the general intent of the zoning by-law.

3. Is the variance desirable for the appropriate development of the lands in question?

- The subject property is designated and zoned to allow for residential uses. Notwithstanding the noncompliance with the minimum front yard setback, the proposal otherwise appears to meet and/or exceed the minimum standards applicable to this type of development. The variance would allow for a garage to be permitted on the lot.
- Considering the above, staff are of the opinion that the proposed variance is desirable for the appropriate development of the lands in question.

4. *Is the variance minor?*

- Staff are of the opinion that the proposal is minor in nature and will have no adverse impact on other properties.

Recommended Conditions

N/A.

Prepared by:

Anmol Burmy

Junior Planner – Township of North Stormont



The Corporation of the Township of NORTH STORMONT

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K0C 1G0

APPLICATION FOR A MINOR VARIANCE

THE UNDERSIGNED HEREBY APPLIES TO THE COMMITTEE OF ADJUSTMENT FOR THE
COPRORATION OF THE TOWNSHIP OF NORTH STORMONT UNDER SECTION 45 OF THE
PLANNING ACT, R.S.O. 1990, AS AMENDED, FOR RELIEF AS DESCRIBED IN THIS APPLICATION,
FROM BY-LAW NO. 08-2014 AS AMENDED.

☒ MINOR VARIANCE – S. 45(1)

☐ PERMISSION – S. 45(2)

APPLICANT INFORMATION

Name of Applicant: Theo ELSHOF Therihof Jerseys

Mailing Address: 15026 Concession 6-7 RD BERWICK ONT K0C 1G0
(Street Address) (Town) (Province) (Postal Code)

Phone Number: 613-330-1473 Same
(Home) (Work) (Fax)

Email Address: therihof@hotmail.com

Name of Agent (if applicant is not the registered owner): _____

Mailing Address: _____
(Street Address) (Town) (Province) (Postal Code)

Phone Number: _____
(Home) (Work) (Fax)

Email Address: _____

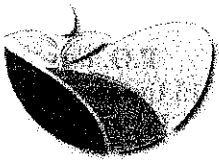
PROPERTY INFORMATION

Municipal Address: County Road 9 Concession 4-5 Road

Legal Description: Lot PT LOT 11 Concession 5

Part _____ Plan No. _____

Lot Size: Frontage: _____ Depth: _____ Area: 97.8 acres



The Corporation of the Township of NORTH STORMONT

P.O. Box 99
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K0C 1G0

PLANNING INFORMATION

4. Current Official Plan designation: _____
5. Current Zoning of the Subject Land: Agricultural
6. What is the nature and extent of relief from the Zoning By-law?
- _____
- _____
- _____
7. For What Reason (why) is the minor variance requested?
- to have animals in the heifer barn
8. Is the access to the subject land by a Provincial Highway, by a municipal road that is maintained all year or seasonally, by another public road, by a right of way or by water?
- by a right of way
9. What is the existing use(s) of the subject land?
- crop land
10. What is the proposed use of the subject land?
- crop land
11. Is the subject property located within a Well Head Protection Area (WHPA) as indicated within the Source Water Protection Plan (please visit www.yourdrinkingwater.ca for further information)?
- No



The Corporation of the Township of NORTH STORMONT

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K0C 1G0

PLANNING INFORMATION CONTINUED

12. Are there any existing buildings or structures on the subject land? ☒ Yes ☐ No

(If the answer is yes, for each building or structure, what is the type of building or structure, the setback in metres from front lot line, rear lot line and side lot lines, the height of each building or structure and the dimensions or floor area of each building or structure?)

13. Are any buildings or structures proposed to be built on the subject land? ☐ Yes ☒ No

(If the answer is yes, for each building or structure, what is the type of building or structure, the setback in metres from front lot line, rear lot line and side lot lines, the height of each building or structure and the dimensions or floor area of each building or structure?)

14. What date was the subject land acquired by the current owner?

Oct 30 / 2024

15. What date were the existing buildings or structures erected on the subject land?

Buildings:

Structures:

heifer barn 1998
work shop shed 1960

Coverall - Superstructure 2004



The Corporation of the Township of NORTH STORMONT

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K0C 1G0

PLANNING INFORMATION CONTINUED

16. What is the length of time that the existing uses have continued on the subject land?

till 2024

17. Is water provided to the subject land by a publically owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means?

a privately owned and operated individual

18. Is sewage disposal provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system, a privy or other means?

manure pit

19. Is storm drainage provided by sewers, ditches, swales or other means?

N/a

20. If known, is the subject land ever been the subject of an application under Section 45 (Minor Variance) of the Act? Yes ☐ No ☒

(If the answer is yes, what was the date, the file number and the purpose of the application?)

Date: _____ File No.: _____

Purpose: _____

21. If known, is the subject land the subject of an application under the Planning Act for approval of a plan of subdivision or a consent? Yes ☐ No ☒

(If the answer is yes, and if known, what is the file number of the application and the status of the application?)



The Corporation of the Township of NORTH STORMONT

P.O. Box 99
15 Union Street
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K0C 1G0

SKETCH REQUIREMENTS

A sketch must be attached to this application showing the following (in metric units):

- i) The boundaries and dimensions of the subject land.
- ii) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front yard lot line, rear yard lot line and the side yard lot lines.
- iii) The approximate location of all natural and artificial features on the subject land and on land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. *Examples of features include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetland, wooded area, wells and septic tanks.*
- iv) The current uses on land that is adjacent to the subject land (neighbouring land uses).
- v) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way.
- vi) If access to the subject land is by water only, the location of the parking and docking facilities to be used.
- vii) The location and nature of any easement affecting the subject land.

SWORN DECLARATION

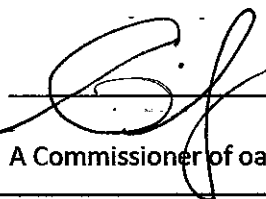
I/We, Theo Elshof of the Township
of North Stormont in the District of/ Municipality of/ County of Stormont

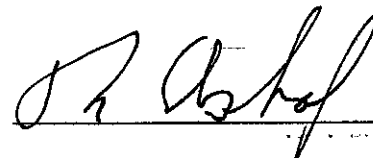
Solemnly declare that all the statements contained in this application and all the supporting documents are true, and I make this solemn declaration conscientiously believing it to be true and complete, and knowing that it is of the same force and effect as if made under oath, by virtue of the "Canada Evidence Act".

SWORN/DECLARED AT Berwick, ON

In the Township of North Stormont

This 16 day of January 2025


A Commissioner of oaths, etc.


Applicants



The Corporation of the Township of NORTH STORMONT

P.O. Box 99
15 Union Street
Berwick, ON
K0C 1G0

IF THE OWNER IS NOT THE APPLICANT, THE OWNER MUST COMPLETE THE FOLLOWING:

I/We, _____ of the _____

Of _____ in the District of/ Municipality of/ County of _____

Solemnly declare that _____ is authorized to submit this application and that to my knowledge, all of the statements contained in the application and all the supporting documents are true, and I make this solemn application conscientiously believing it to be true and complete and knowing that it is of the same force and effect as if made under oath, by virtue of the "Canada Evidence Act".

SWORN/DECLARED AT _____)

In the _____)

This _____ day of _____ 20____)

A Commissioner of oaths, etc.

Owners

PLEASE NOTE THAT:

- Unless otherwise requested, all information will be sent to the agent, if any.
- If jointly owned, both owners must apply and sign.
- The fees are payable in cash or by cheque, payable to the TOWNSHIP OF NORTH STORMONT and must be presented with this application.
- If you have any questions, you can call the Planning Department at 613-984-2821 ext. 226.



The Corporation of the Township of NORTH STORMONT

P.O. Box 99
15 Union Street
Berwick, ON
K0C 1G0

UNDERTAKING FOR ONTARIO MUNICIPAL BOARD APPEAL

TO: Township of North Stormont

FROM: Name: _____

Address: _____

SUBJECT: APPLICATION FOR A MINOR VARIANCE

Address of Site: _____

Where the Committee of Adjustment of the Township of North Stormont substantially supports the application for a Minor Variance,

Name of Applicant: _____

Hereby undertakes to pay, in accordance with Section 3 of Schedule A of By-law 01-2015 of the Township of North Stormont, upon receipt of invoice from the Township, any and all legal costs, including all disbursements of the Township, in respect of preparation for and attendance at an Ontario Municipal Board hearing, until the matter is finally resolved by the said Board.

It is hereby acknowledged that "hearing" shall include all attendances before the Board in respect of the said application whether in person, telephone conference call or other means as directed by the Board.

Dated this _____ day of _____, 20____.

Please complete 1 or 2.

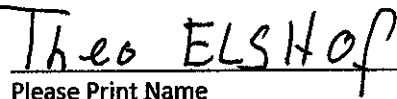
1.



Signature of Applicant

2.

Corporate name (if applicable)



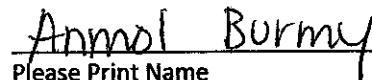
Please Print Name

(Authorized Signature) I have the authority to bind the Corporation



Signature of Witness

(Please print Name and Title)



Please Print Name



The Township of North Stormont COMMITTEE OF ADJUSTMENT

Prepared for: Committee of Adjustment
Meeting Date: January 31st, 2025
Subject: Minor Variance Application A-2025-02 (Elsof)
Owner/Applicant: Theo Elshof (Therihof Jerseys)
Roll No.: 041100900349000
Property Location: CON 5 PT LOT 11, Geographic Township of Finch, Township of North Stormont

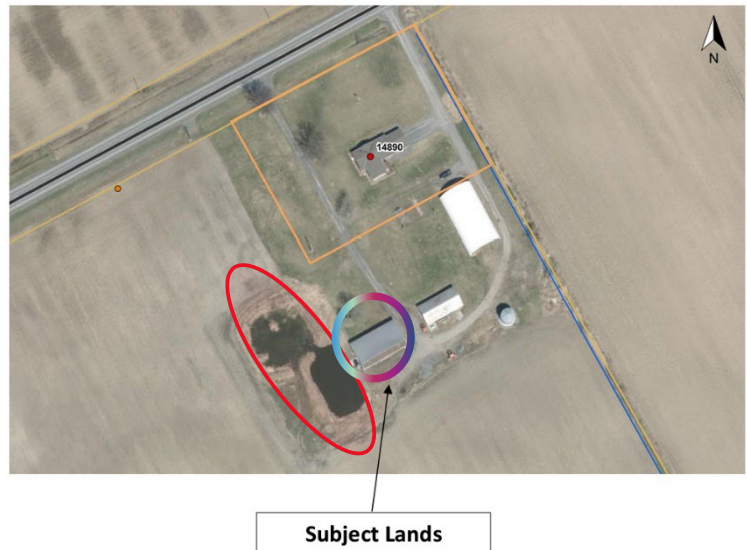
Purpose of the Application

To permit relief from Section 3.22 of Zoning By-law No. 08-2014, which provides minimum distance separation (MDS II) for new or expanding livestock facilities from existing development. The proposed location of the livestock facility and manure pit on the subject land does not meet the MDS II setbacks required from an existing residential dwelling.

Effect of the Application

1. Reduce the MDS II setback required between an existing residential dwelling at 14890 County Road 9 and proposed barn to be used for livestock from 131 m to +/- 68.6 m, and;
2. Reduce the MDS II setback required between an existing residential dwelling at 14890 County Road 9 and proposed manure lagoon from 305 m to +/- 76 m, and;
3. Reduce the MDS II lot line setback required between an existing residential dwelling and proposed manure lagoon from 30 m to +/- 23 m.

The proposed reductions will allow for an existing storage barn and pond to be adapted for re-use as livestock facilities.

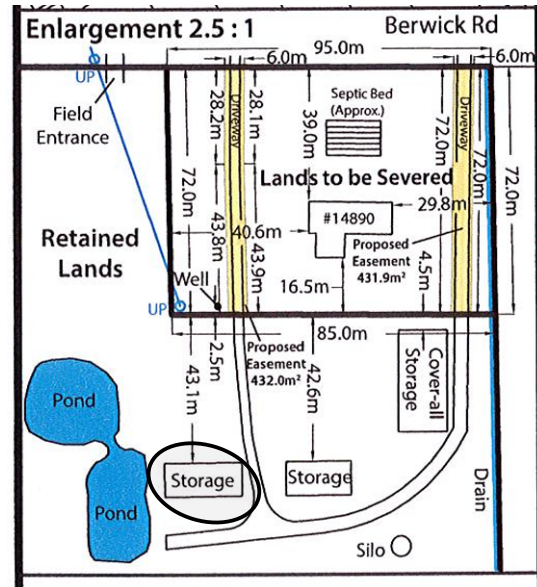


Background

The property is the remainder of a parcel created by consent in 2024 (B-53-24), with approximately 1.7 acres, on the south side of County Road 9 west of Berwick. As part of the consent application, the parcel that was severed included an existing dwelling surplus to the needs of the farmer. That severed parcel included an existing dwelling, well and septic while the subject lands (retained farmland) includes three storage buildings and a pond area, as indicated on the application.

The storage barn was located at a distance of 43.1 metres from the proposed property lines and did not meet OMAFA's Minimum Distance Separation I setbacks for the creation of a surplus dwelling lot. As per the requirements of the MDS guidelines and County Official Plan, a condition of consent for the previous owner was to decommission the barn/livestock facilities and convert to a storage building. However, the new owner would like to use the westernmost storage building as livestock facilities for 45 heifers and use the pond area as a manure pit.

The subject property is zoned "Agricultural (AG)" in the Township's Zoning By-law, designated "Agricultural Resource Lands" in the United Counties of SDG Official Plan. There are existing farming operations and farmhouses along County Road 9, homes on both the north and south side of the proposed lot and existing agricultural operations and cash crops in all directions around the property. The investment in agriculture in this prime agricultural area is visually apparent, although most existing farm dwellings continue to be part of the main farm property if the farm contains livestock.



Subject Property - Existing dwelling



Subject Vacant Barn and Unused Manure Storage.



Circulation

The proposal was circulated to all adjacent landowners within 60 metres of the subject property, as well as all prescribed agencies and persons described under Section 45 of the Planning Act.

At the time of writing, no comments have been received.

Summary of Four Tests

1. Is the general intent and purpose of the Official Plan (OP) maintained?

- The subject lands are designated “Agricultural Resource Lands” under the United Counties of SDG Official Plan
- Table 5.2 outlines the scope of uses permitted within the Agricultural Resource Lands, which includes a variety of agricultural and agricultural-related uses, forestry uses, and such. The proposal is in keeping with the uses intended for the Agricultural Resource Lands.
- Section 3.5.1.5.1 states that the Minimum Distance Separation (MDS) formulae shall be applied to reduce incompatibility concerns about odour from livestock facilities and/or manure storage facilities and any non-farm uses. An MDS II calculation was carried out which produced a minimum required setback of 131 metres from an existing barn located south of the proposed lot. The proposed dwelling is located 68.6 metres to the existing storage barn. Additionally, the proposed dwelling is 76 m from the existing, unused manure storage facility (identified as a pond on the site plan) instead of the required 305m and 23m from the side yard instead of 30m.
- Section 3.5.1.5.1 also states that a local municipality may grant minor variances to the MDS I and II based on site specific circumstances and local conditions including: consideration of natural features, natural hazards and man-made hazards, prevailing winds, farm operations, existing buildings and structures, adequate buffering; any combination of which warrant a reduction in the required MDS setback; and for circumstances that mitigate environmental or public health and safety impacts.
- In this case, the proposal was reviewed as part of the consent process and it was a condition of the County and Township to decommission the barn due to the potential land use conflicts that the proposal would create with a livestock facility adjacent to a separate residential parcel with a shared driveway and nearby well.

- The MDS guidelines offer the following guidance when considering reduction of an MDS setback

Deciding if a minor reduction to an MDS setback is desirable and appropriate for an area should involve consideration of several specific aspects, such as:

- *Is the MDS setback reduction really necessary or should another suitable alternative location (relocating the proposed lot/designation/building) be considered?*
- *Is the reduced setback going to impact the type, size or intensity of agricultural uses in the surrounding area?*
- *Is the reduced setback going to impact flexibility for existing or future agricultural operations, including their ability to expand if desired? If this reduced setback is allowed, will it set precedent for others in the local community?*

Determining if a proposed reduction in MDS setbacks is minor depends on the context in which the reduction is being proposed. Minor means different things to different people. OMAFRA does not endorse a specific % decrease (e.g., 5% or 10%) for MDS setbacks. In some circumstances, a very small reduction in an MDS setback may not be considered minor given the surrounding land uses and potential odour conflicts. In other instances, a significant reduction in an MDS setback may be considered minor. The perception of what is 'small' or 'minor' in nature will vary depending on local and site specific circumstances.

Determining if a reduction to MDS setbacks is appropriate in a given circumstance is the responsibility of the local municipality.

Guideline 43 provides direction for minor variances and reducing setbacks "MDS II setbacks should not be reduced except in limited site specific circumstances that meet the intent of this MDS Document. Examples may include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human-made hazards.

If deemed appropriate by a municipality, the process by which a reduction to MDS II may occur is typically a minor variance to the local zoning by-law or to a lesser extent a site specific zoning by-law amendment."

This Implementation Guideline provides two main points to consider regarding minor variances for reducing MDS II setbacks. First, this document recognizes that reductions to MDS II setbacks can be considered and may be appropriate in some circumstances, especially to address issues related to expansions of existing operations. Second, the types of setback reductions that could be considered and may be appropriate are those that attempt to reduce potential odour conflicts while balancing or mitigating against other potential concerns, such as environmental impacts, public health and safety, or natural and human-made hazards.

There are many reasons why a livestock facility cannot meet MDS II setbacks, especially for existing operations that are looking to expand. Due to their age, there are many existing livestock facilities that simply were not sited in accordance with MDS II setbacks, and yet have existed adjacent to surrounding development or dwellings for many years with no nuisance complaints related to odour. Farm operations were traditionally sited near roads and water courses; however, these types of locations, especially for existing operations which are expanding, impose other types of constraints rather than odour that may be more important to address. In some circumstances, it may

be more important to address environmental concerns, public safety issues or potential hazards rather than meet an MDS II setback. Considering appropriate reductions to MDS II setbacks provides an opportunity for these types of issues to be considered at the local level.

- In this case, staff did not identify any mitigating factors - the manure pit is relatively closer to a small residential lot and the livestock facility is anticipated to create land use conflicts considering the shared entrance and location immediately adjacent to a residential dwelling and well serving the existing dwelling.
- Considering the above, staff are of the opinion that the proposal would not be in keeping with the general intent and purpose of the Official Plan.

2. *Is the general intent and purpose of the Zoning By-law maintained?*

- The subject lands are zoned “Agricultural Exception 20 (AG-20)” under the Township’s Zoning By-law. The Exception prohibits residential uses on the retained farmland parcel.
- Section 3.22 outlines the Minimum Distance Separation (MDS) requirements applicable to development in the Township. This section states that new development shall be subject to the required MDS setback. The proposed location of the barn and manure storage would not meet the requirements calculated from the adjacent residential lot.
- MDS setbacks are largely intended to mitigate and/or eliminate odour-related land use conflicts that may arise between agricultural and non-agricultural land uses located in close proximity to one-another. The proposed minor variance would potentially create an additional land use conflict that was required to be addressed through the consent process.
- Considering the above, staff are of the opinion that the proposal would not be in keeping with the general intent and purpose of the MDS requirements of the zoning by-law.

3. *Is the variance desirable for the appropriate development of the lands in question?*

- The subject property is designated and zoned for agricultural uses including residential development. The proposed reduction of the setbacks for the barn and manure storage would introduce a land use conflict immediately adjacent to a residential lot, with additional factors such as the location of the well and shared driveway that would create further potential conflicts. The existing agricultural lot is approximately 98 acres and could accommodate a large livestock facility elsewhere while meeting the MDS requirements.
- Considering the above, staff are of the opinion that the proposed variance is not desirable for the appropriate development of the lands in question.

4. *Is the variance minor?*

- Staff are of the opinion that the proposal is not minor in nature, as the barn and manure pit are in immediate proximity to a residential lot and drinking water well with a significantly reduced setback compared to the standard MDS calculations and will have a negative impact on the existing residential dwelling.

Recommended Conditions

1. None.

Prepared by:

Peter Young

Director of Planning and Economic Development Services – United Counties of Stormont,
Dundas, and Glengarry

Planning Consultant - Township of North Stormont



**The Corporation of the Township of North Stormont
Committee of Adjustment**

15 Union Street, PO Box 99
Berwick, ON K0C 1G0

DECISION

Application # A-2025-01 (Muir)

Date of Hearing: January 31st, 2025

Date of Decision: January 31st, 2025

Owner/Applicant: Cameron Muir

Location: 16426 Centennial Drive, Avonmore, ON, K0C 1C0 (Concession 3, Part Lot 29)

Purpose: To permit relief from section 7.2 (2) of the Zoning By-Law 08-2014 which states that the properties zoned General Commercial (CG) need a minimum front yard setback of 7.5 m. The proposed setback is 6.5 m. The effect of the decision would:

- 1. Reduce front yard setback from 7.5 m to 6.5 m.

The proposed reduction would allow the owner to build a garage 40 ft by 40 ft garage on the property.

Decision:	Granted
Reasons for Decision:	The general intent of the Official Plan and Zoning By-law are being maintained, the request is minor in nature considering the setback will not have any effect of neighbouring properties.
Conditions:	None.

Signature of Member
François Landry

Signature of Member
Adrian Bugelli

Signature of Member
Alison McDonald

Signature of Member
Luc Généreux

Signature of Member
Michael Houston

Signature of Member
Randy Douglas

Certification:

I, Anmol Burmy, Secretary-Treasurer of the Committee of Adjustment of the Township of North Stormont certify that the above is a true copy of the decision of the committee with respect to the application recorded therein.

Dated at the Township of North Stormont this **31st January 2025.**

Anmol Burmy
Secretary-Treasurer, Committee of Adjustment



**The Corporation of the Township of North Stormont
Committee of Adjustment**

15 Union Street, PO Box 99
Berwick, ON K0C 1G0

DECISION

Application # A-2025-02 (Elshof)

Date of Hearing: January 31st, 2025

Date of Decision: January 31st, 2025

Owner/Applicant: Theo Elshof

Location: 14890 County Road 9, Berwick, ON, K0C 1G0 (Concession 5, Part Lot 11)

Purpose: To permit relief from Section 3.22 of Zoning By-law No. 08-2014, which provides minimum distance separation (MDS II) for new or expanding livestock facilities from existing development. The proposed location of the expanding livestock facility on the subject land does not meet the MDS II setbacks required from an existing residential dwelling. The effect of the decision would:

- 1. Reduce the MDS II setback required between the residential dwelling and an existing livestock barn from 131 m to +/- 68.6 m, and;
- 2. Reduce the MDS II setback required between the residential dwelling and an existing manure lagoon from 305 m to +/-76 m, and;
- 3. Reduce the MDS II lot line setback required between the residential dwelling and an existing manure lagoon from 30 m to +/- 23 m.

The proposed reductions will allow for a heifer barn and manure pit to be in use.

Decision:	Denied.
Reasons for Decision:	The general intent of the Official Plan and Zoning By-law are not being maintained; the request is not minor in nature considering the variance is not desirable for the appropriate development of the lands due to the proximity to the existing residential use
Conditions:	None.

<div>Signature of Member François Landry</div>	<div>Signature of Member Adrian Bugelli</div>	<div>Signature of Member Alison McDonald</div>
<div>Signature of Member Luc Généreux</div>	<div>Signature of Member Michael Houston</div>	<div>Signature of Member Randy Douglas</div>

Certification:

I, Anmol Burmy, Secretary-Treasurer of the Committee of Adjustment of the Township of North Stormont certify that the above is a true copy of the decision of the committee with respect to the application recorded therein.

Dated at the Township of North Stormont this **31st January 2025.**

Signature of Anmol Burmy

Anmol Burmy
Secretary-Treasurer, Committee of Adjustment