



PLANNING & DEVELOPMENT ADVISORY COMMITTEE
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION &
IN-PERSON AT THE PUSLINCH COMMUNITY CENTRE –
23 BROCK RD S, PUSLINCH
AUGUST 8, 2023
7:00 p.m.

Register in advance:

https://us02web.zoom.us/webinar/register/WN_u2cF6dcWRb2637nDi1clWA

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

Canada: +1 613 209 3054

or +1 647 374 4685

or +1 647 558 0588

or +1 778 907 2071

or +1 438 809 7799

or +1 587 328 1099

Webinar ID: 839 0344 3016

Passcode: 513816

International numbers available: <https://us02web.zoom.us/j/83903443016>

AGENDA

COMMITTEE OF ADJUSTMENT:

≠ Denotes resolution prepared

1. **Call the Meeting to Order (Opening Remarks)**
2. **Roll Call**
3. **Moment of Reflection**
4. **Confirmation of Agenda ≠**
5. **Disclosure of Conflict of Interest**
6. **Approval of Minutes ≠**
 - 6.1 July 11, 2023
7. **Application for Minor Variance or Permission** under section 45 of the Planning Act to be heard by the Committee this date:
 - 7.1 **Minor Variance Application D13-DUA – Lisa and Nelson Duarte – 7737 Wellington Rd 34, Concession 10, Part Lot 21, Township of Puslinch. ≠**



PLANNING & DEVELOPMENT ADVISORY COMMITTEE
VIRTUAL MEETING BY ELECTRONIC PARTICIPATION &
IN-PERSON AT THE PUSLINCH COMMUNITY CENTRE –
23 BROCK RD S, PUSLINCH
AUGUST 8, 2023
7:00 p.m.

Requesting relief of New Comprehensive Zoning By-Law #23-2018, as amended, from Sections 4.2.1 c.

The purpose and effect is to provide relief from:

1. Section 4.27.1 c., Outdoor Swimming Pools to permit existing pool equipment to have a reduced setback to be 0.76m (2.5 ft) from the lot line.

7.2 Minor Variance Application D13-CHA – Michel Lorenzo Chartrand and Victoria Lynn Chartrand – 90 Gilmour Rd, Concession 8, Rear Part Lot 23, Township of Puslinch. ≠

Requesting relief of New Comprehensive Zoning By-Law #23-2018, as amended, from Sections 4.16.1 a.

The purpose and effect is to provide relief from:

1. Section 4.16.1 a, MDS I – New Non-Farm Uses to permit a reduced MDS I setback to be 217m rather than the 255m as required from the barn at 76 Gilmour Rd.

8. New Business

9. Adjournment of Committee of Adjustment ≠



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
JULY 11 2023 COMMITTEE OF ADJUSTMENT MEETING
IN-PERSON AND VIRTUAL MEETING BY ELECTRONIC PARTICIPATION

MINUTES

DATE: July 11, 2023

MEETING: 7:00 p.m.

The July 11, 2023 Committee of Adjustment Meeting was held on the above date and called to order at 7:00 p.m. via electronic participation and in-person at 23 Brock Rd S, Puslinch.

1. CALL THE MEETING TO ORDER

2. ROLL CALL

ATTENDANCE:

PRESENT:

Councillor John Sepulis, Chair
Chris Pickard
Paul Sadhra
Jeffrey Born
Dennis O'Connor

ABSENT:

None

STAFF IN ATTENDANCE:

Lynne Banks, Secretary/Treasurer
Courtenay Hoytfox, Municipal Clerk
Joanna Salsberg, Planner, County of Wellington

3. MOMENT OF REFLECTION

4. CONFIRMATION OF THE AGENDA

Resolution No. 2023-055:

Moved by Committee Member Chris Picikard and



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
JULY 11 2023 COMMITTEE OF ADJUSTMENT MEETING
IN-PERSON AND VIRTUAL MEETING BY ELECTRONIC PARTICIPATION

Seconded by Committee Member Paul Sadhra

That the Committee approves the July 11, 2023 Agenda as circulated.

CARRIED.

5. DISCLOSURE OF CONFLICT OF INTEREST:

None

6. APPROVAL OF MINUTES

6.1 Approval of the Minutes

6.1.1 June 13, 2023

Resolution No. 2023-056:

Moved by Committee Member Jeff Born and
Seconded by Committee Member Dennis O'Connor

That the Committee of Adjustment approves the Minutes from the meeting held June 13, 2023.

CARRIED.

7. APPLICATIONS FOR MINOR VARIANCE OR PERMISSION under section 45 of the Planning Act to be heard by the Committee this date:

7.1 Minor Variance Application D13-LIG – Brian and Sharilyn Light – 4396 Wellington Rd 32, Concession 2, Part Lot 5, Township of Puslinch. ≠

Requesting relief of New Comprehensive Zoning By-Law #23-2018, as amended, from Sections 4.31 c., 12.2, table 12.1 and 12.4 to permit:

1. Section 4.31 c., to permit a structure accessory to a dwelling in the Natural Environment zone as approved by the Conservation Authority having jurisdiction.
2. Section 12.2, Table 12.1, Permitted Uses Other Zones to permit an accessory structure.
3. Section 12.4, Natural Environment Zone Requirements to permit an accessory structure.



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
JULY 11 2023 COMMITTEE OF ADJUSTMENT MEETING
IN-PERSON AND VIRTUAL MEETING BY ELECTRONIC PARTICIPATION

- Brian Light, owner of the property, provided an overview of the application.
- There were no questions or comments from the public.
- Chris Pickard asked if there is an existing storage facility that the Township doesn't have a building permit for.
- Brian Light advised that the
- Chris Pickard asked if the new structure will be located on the same footprint as the previous structure.
- Mr. Light advised that it will be almost the same footprint but slightly larger.
- Chris Pickard asked if the purpose of the structure is to store farm equipment.
- Brian Light advised that is what it will be used for.
- Dennis O'Connor asked if building permit will address the flow of the water across the property.
- Brian Light noted that the water drainage isn't into the field and doesn't drain into neighbour's field at 4422 Wellington Rd. 32.
- Courtenay Hoytfox advised that drainage will be looked at during final inspection for the building permit.
- Dennis O'Connor asked if it addressed the bigger picture for agricultural properties
- Brian Light advised that it will drain south away from the structure.
- Courtenay Hoytfox advised that it is not addressed during building permit but if there is a bigger issue with drainage to a neighbouring lot, it would be addressed through the Township's Property Standards By-law.
- John Sepulis asked if the owner will be removing any trees around the proposed structure area.
- Brian Light advised that most of the trees in that area came down during a windstorm.
- There were no further questions or comments from the Committee.

Resolution No. 2023-057:

Moved by Committee Member Chris Pickard and
Seconded by Committee Member Dennis O'Connor

That the Committee approve Minor Variance Application D13-LIG with the following Conditions:

1. That any concerns of the Conservation Authority are addressed to the satisfaction of the Township.
2. That a Tree Preservation and Compensation Plan is provided to the Township for the purpose of a peer review, prior to building permit submission, minimizing the removal of



THE CORPORATION OF THE TOWNSHIP OF PUSLINCH
JULY 11 2023 COMMITTEE OF ADJUSTMENT MEETING
IN-PERSON AND VIRTUAL MEETING BY ELECTRONIC PARTICIPATION

trees to the satisfaction of the Township.

3. That the Owner enter into a Development Agreement with the Township of Puslinch for the purpose of the peer review of the Tree Preservation and Compensation Plan to include third party cost recovery.

CARRIED.

8. New Business

8.1 Committee of Adjustment Report 2023-003 – Proposed 2024 Planning and Development Advisory Committee Meeting Schedule

- Lynne Banks provided an overview of the Report advising that the Committee is mandated to meet the second Tuesday of every month and the dates listed in the report reflect the required dates.

Resolution No. 2023-058: Moved by Committee Member and
Seconded by Committee Member

That Report 2023-003 be approved. CARRIED.

9. ADJOURNMENT

Resolution No. 2023-059: Moved by Committee Member Dennis O'Connor and
Seconded by Committee Member Chris Pickard

That the Committee of Adjustment hereby adjourns at 7:25 p.m.

CARRIED.

From: Township of Puslinch <services@puslinch.ca>
Sent: Tuesday, July 04, 2023 10:54 PM
To: Hillary Miller
Subject: New Entry: Minor Variance or Permission Application

Minor Variance Type 1 Item Code: PLAMVA
Minor Variance Type 2 Item Code: PLAMVA2

How many registered owners are on title?

2

Registered Owner's Name (Person one)

Lisa Duarte

Registered Owner's Email Address (Person one)

[REDACTED]

Registered Owner's Phone Number (Person one)

[REDACTED]

Registered Owner's Name (Person two)

Nelson Duarte

Registered Owner's Email Address (Person two)

[REDACTED]

Registered Owner's Phone Number (Person two)

[REDACTED]

Property Subject of the Minor Variance

7737 Wellington Road 34
Puslinch, ON
N0B 2J0

Applicant (Agent) Name

Lisa Duarte

Applicant (Agent) Address

7737 Wellington Road 34
Puslinch, ON
N0B 2J0

Applicant (Agent) Email

[REDACTED]

Applicant (Agent) Phone Number

[REDACTED]

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property

[REDACTED]

Send correspondence to

Owner(s)

Municipal Address

7737 Wellington County Road 34
Puslinch, ON
N0B 2J0

Concession

10

Lot

21

Registered Plan Number

61R-10784

Area in Hectares

.364

Area in Acres

1 acre

Depth in Meters

89.91

Depth in Feet

295.28 Ft

Frontage in Meters

40.2

Frontage in Feet

131.89 Ft

Please indicate the Section of the Planning Act under which this application is being made

Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.)

What is the nature and extent of the relief that is being applied for?

We are asking for a minor variance related to the placement of our pool equipment. The equipment is not 2 meters from the property line. Our contractor was not aware of that requirement - and in fact lined the equipment up with the propane tank that was already on the property from the previous owner. In addition, the current location keeps the equipment good distance from our private well. We are asking for a variance to this requirement as the pool is near completion.

Sketch of the nature and extent of the relief that is being applied for

 [pool-equipment.jpg](#)

Why is it not possible to comply with the provisions of the by-law?

The pool is near completion and all equipment including the electrical, plumbing and propane connections have already been completed. Moving all of the equipment at this point will be a significant cost.

Sketch for why is it not possible to comply with the provisions of the by-law

 [pool-equipment-in-proximity-to-propane.jpg](#)

Official Plan Designation

Low rise

Zoning Designation

Residential

What is the access to the subject property?

Continually maintained municipal road

What is the name of the road or street that provides access to the subject property?

Wellington Road 34

Private Well

Existing

Private Septic

Existing

How is storm drainage provided?

Swales

What is the existing use of the subject property?

Residential

What is the existing use of the abutting properties?

Residential and agricultural

Main Building Height in Meters

5.46

Main Building Height in Feet

18

Percentage Lot Coverage in Meters

1052

Percentage Lot Coverage in Feet

3484

Number of Parking Spaces

10

Number of Loading Spaces

0

Number of Floors

2

Total Floor Area in Square Meters

290.13

Total Floor Area in Square Feet

3123

Ground Floor Area (Exclude Basement) in Square Meters

204.57

Ground Floor Area (Exclude Basement) in Square Feet

2202

Front Yard in Meters

40

Front Yard in Feet

131.89

Rear Yard in Meters

35.45

Rear Yard in Feet

114.9

Side Yard (1) in Meters

5.52

Side Yard (1) in Feet

18.1

Side Yard (2) in Meters

14.6

Side Yard (2) in Feet

47.10

Date of acquisition of subject property

July 9, 2021

Date of construction of buildings property

October 7, 2022

How long have the existing uses continued on the subject property?

2 years

Has the owner previously applied for relief in respect of the subject property?

No

Planning Application: Official Plan Amendment

No

Planning Application: Zoning By-Law Amendment

No

Planning Application: Plan of Subdivision

No

Planning Application: Consent (Severance)

No

Planning Application: Site Plan

No

Planning Application: Minor Variance

No

The Agent/Solicitor is different than the owner

No

Please select your Minor Variance Type

Minor Variance Type 1 - \$ 806.00

Convenience Fee (1.75%)

\$ 14.11

Total

\$ 820.11

Credit Card



Name

Lisa Duarte

Minor Variance Application must be commissioned

I understand that prior to the Minor Variance Application being deemed complete it must be commissioned by all registered owners or the agent responsible for the application.

Sent from [Township of Puslinch](#)

WELLINGTON COUNTY ROAD No. 34
ROAD ALLOWANCE BETWEEN LOTS 23, 24, 25



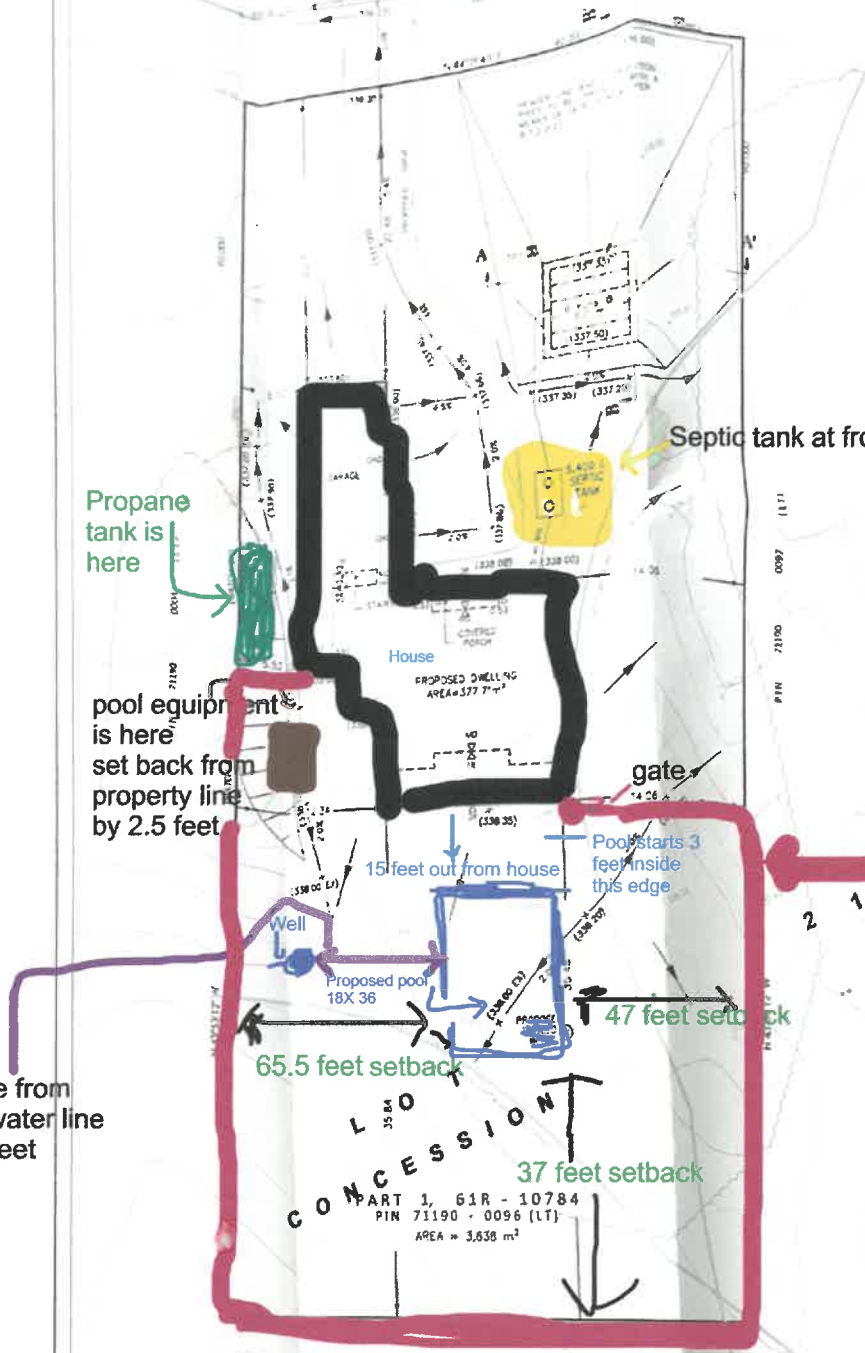
Propane tank is here

Septic tank at front of house

pool equipment is here set back from property line by 2.5 feet

5 foot chain link fence with lockable self closing and self locking gate

Distance from well to water line is 36.5 feet







Authorization for Agent/Solicitor to act for Owner:

(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) _____ of the
_____ of _____ County/Region of
_____ do hereby authorize
_____ to act as my agent in this application.

Signature of Owner(s) Date

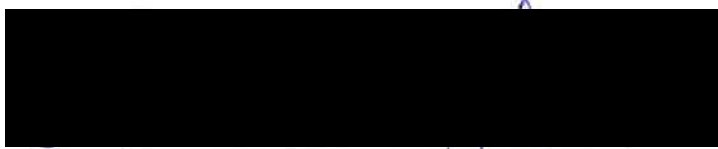
Affidavit:

I (we) LISA + NELSON DUARTE of the
TOWNSHIP of PUSLINC County/Region of
WELLINGTON solemnly declare that all the statements

contained in this application are true, and I, (we), make this solemn declaration
conscientiously believing it to be true, and knowing that it is of the same force and effect

as if made under oath and by virtue of the CANADA EVIDENCE ACT. DECLARED

before me at the Township of Puslinch in the
County/Region of Wellington this 6 day of
July, 2023.



Signature of Owner or authorized
solicitor or agent



July 6 / 2023
Date

July 6 / 2023
Date

Hillary Miller

From: Brent Smith
Sent: Tuesday, July 18, 2023 7:03 PM
To: Hillary Miller
Cc: Tom Mulvey
Subject: RE: Propane Tank 7737 Wellington road 34

Hi Hillary,

Puslinch Fire and Rescue Services reviewed the minor variance application for pool equipment placement and the department has no concerns providing the propane tank location shown on the sketch conforms to the setbacks from the building and property lines as required by Ontario Regulation 211/01 Propane Storage and Handling. The distance from the tank to any building has to be at least 10 feet (3metres) and the distance from the tank to the property must also be at least 10 feet (3metres). If the applicant could confirm that these clearances are maintained the department has no concerns.

Thanks
Brent

From: Hillary Miller <hmiller@puslinch.ca>
Sent: Tuesday, July 18, 2023 2:45 PM
To: Brent Smith <bsmith@puslinch.ca>
Cc: Tom Mulvey <tmulvey@puslinch.ca>
Subject: RE: Propane Tank

Thank you so much Brent! I'll be circulating the notice tomorrow. In your comments, are you able to mention this information?

Thanks!



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca

Hillary Miller

From: Source Water <sourcewater@centrewellington.ca>
Sent: Monday, July 24, 2023 1:26 PM
To: Hillary Miller
Cc: Source Water
Subject: RE: Minor Variance Notice of Public Hearing - D13/DUA - 7737 Wellington Rd 34

Hello Hillary,

Thank you for providing the above referenced applications for review. Since these properties are **not** located in a vulnerable area (wellhead protection area, issues contributing area, intake protection zone etc.), the applications can be screened out and do not require a Section 59 notice under the *Clean Water Act*.

If you have any further questions regarding this application please contact me.

Thanks,

Kim Funk | Source Protection Coordinator

Wellington Source Water Protection | 1 MacDonald Square, Elora, ON, N0B 1S0
519.846.9691 x283 | kfunk@centrewellington.ca | www.wellingtonwater.ca
Toll free: 1-844-383-9800

From: Hillary Miller <hmiller@puslinch.ca>
Sent: July 21, 2023 2:17 PM
To: Source Water <sourcewater@centrewellington.ca>
Subject: Minor Variance Notice of Public Hearing - D13/DUA - 7737 Wellington Rd 34

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by July 31, 2023.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca



July 27, 2023

via email

GRCA File: D13-DUA – 7737 Wellington Road 34

Lynne Banks
Township of Puslinch
7404 Wellington Road 34
Puslinch, ON N0B 2J0

Dear Ms. Banks,

Re: Minor Variance Application D13/DUA
7737 Wellington Road 34, Township of Puslinch
Lisa and Nelson Duarte

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application.

Recommendation

The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance application.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property is within the regulated allowance adjacent to wetlands. A copy of our resource mapping is attached.

Due to the presence of the above-noted features, the entire property is regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

The proposed minor variance application requests a reduced lot line setback of 0.76 metres rather than the required 2 metres to allow existing pool equipment. The plans circulated with this application are consistent with the plans approved through GRCA Permit 409/22. As such, GRCA staff do not anticipate any impacts to the natural hazard features as a result of the proposed development and we have no objection to the approval of the minor variance application.

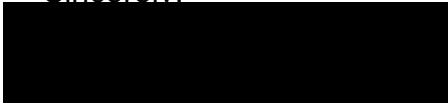
Consistent with GRCA's 2023 approved fee schedule, this application is considered a 'minor' minor variance and the applicant will be invoiced in the amount of \$300.00 for the GRCA's review of this application.

For Municipal Consideration

Please be advised that on January 1, 2023, a new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Conservation Authorities Act) came into effect. As a result, non-mandatory technical review services that the GRCA formerly provided under agreement with some municipalities (e.g., technical reviews related to natural heritage and select aspects of stormwater management) will no longer be provided.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.

Sincerely,



Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: Lisa & Nelson Duarte (via email)



D13-DUA - 7737 Wellington Road 34

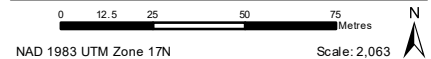


Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

Copyright Grand River Conservation Authority, 2023. Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





**PLANNING REPORT
for the TOWNSHIP OF PUSLINCH**

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Township

MEETING DATE: August 8th, 2023
TO: Lynne Banks, Development and Legislative Coordinator
 Township of Puslinch
FROM: Asavari Jadhav, Junior Planner
 Meagan Ferris, Manager of Planning and Environment
 County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/DUA (Lisa and Nelson Duarte)**
7737 Wellington Road 34
Concession 10 Part Lot 21 RP 61R10784; Part 1
ATTACHMENTS: 1 – Submitted Site Plan

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The proposed variance would provide relief from Section 4.27.1 (c) of the Zoning By-law to permit existing pool equipment and associated concrete pad to be 0.76 m from the lot line whereas a minimum 2 meters from the lot line is required.

The applicant has indicated that the pool equipment is screened via opaque fencing, is situated on a concrete pad, has been set back away from the dwellings well and all propane and electrical connections have been installed.

The minor variance application would maintain the general intent and purpose of the Official Plan and Zoning By-law, and is desirable and appropriate for the development of the subject property provided any concerns of the Building and Public Works Departments are addressed including adequate servicing, as well as drainage and grading. We consider the request minor and have no concerns with the application.

Section of the By-law	Required	Proposed	Relief Requested
1. Section 4.27.1 (c), Outdoor Swimming Pools	The by-law requires an outdoor swimming pool pumps, filters and heaters, or any accessory building or structure containing such equipment must be set back a minimum of 2m (6.6 ft) from any lot line.	0.76 m (2.5 ft)	1.24 m (4.1 ft)



Figure 1: Subject Property

Our discussion of this application relative to the four tests under the Planning Act is as follows:

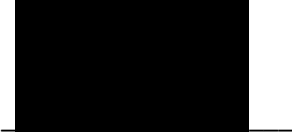
Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none"> • The relief is requested to permit existing pool equipment to be 0.76 meters from the lot line. • The subject property includes an existing dwelling, in-ground pool and the pool equipment. • The applicant has indicated that the existing pool equipment is located in the interior side yard and proposes to maintain the interior side yard setback of 0.76 m (2.5 ft). • The applicant has indicated that the pool equipment is on a concrete pad in line with the existing propane tank. • The pool equipment is visually screened by opaque fencing.
That the intent and purpose of the Zoning By-law is maintained	<ul style="list-style-type: none"> • The subject property is located within Agricultural (A) Zone. • A single detached dwelling is a permitted use within the A Zone. • Section 4.27.1 (c) of the Zoning By-law requires an outdoor swimming pool pumps, filters and heaters, or any accessory building or structure containing such equipment must be set back a minimum of 2 m from any lot line. • The applicant is proposing an interior side yard setback of 0.76 m (2.5 ft) to permit existing pool equipment on a concrete pad. • The intent of requiring a minimum rear yard setback is to provide adequate space for maintenance and access between yards on the subject property, to provide privacy and separation between abutting properties, and to ensure grading and drainage can be adequately addressed on the subject property.

	<ul style="list-style-type: none"> Although the request is for a reduction, it appears that access will not be impeded, the setback would be inline with an existing propane tank, and it is acknowledged that the development is next to a substantially larger parcel.
<p>That the general intent and purpose of the Official Plan is maintained</p>	<ul style="list-style-type: none"> The subject property is designated as Secondary Agriculture. The property is also within the Paris Galt Moraine Policy Single detached homes are a permitted use within Secondary Agriculture designation.
<p>That the variance is desirable and appropriate development and use of the land, building or structure</p>	<ul style="list-style-type: none"> The subject lands are immediately surrounded by rural residential uses and naturalized area. The proposed interior yard setback (west) is 0.76 m, the other interior side yard setback (east) appears to be approximately 15 m. Therefore, the one with a larger interior side yard setback will still provide access between the yards. The proposed reduction in the interior side yard will still maintain a sufficient setback for access for the maintenance of the property and around the pool equipment. Setback requirements for all the other sides of the pool equipment have been met and the proposed reduction in the interior side yard will still maintain a sufficient setback for access. The existing pool equipment is located a substantial distance from the buildings on the abutting property and is visually screened by opaque fencing and a chain-linked fence on the subject property. The abutting property on 7731 Wellington Road 34 is 3.93 ha (9.71 ac). The Committee should consider comments received from the Public Works Department and Building Department regarding any concerns regarding site grading, drainage or servicing.

In conclusion, planning staff is of the opinion that the requested variance application **meets the four tests** of the Planning Act provided that the Building and Public Works Departments have no concerns regarding servicing, as well as grading and drainage.

I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee’s decision with respect to this application.

Respectfully submitted
County of Wellington Planning and Development Department

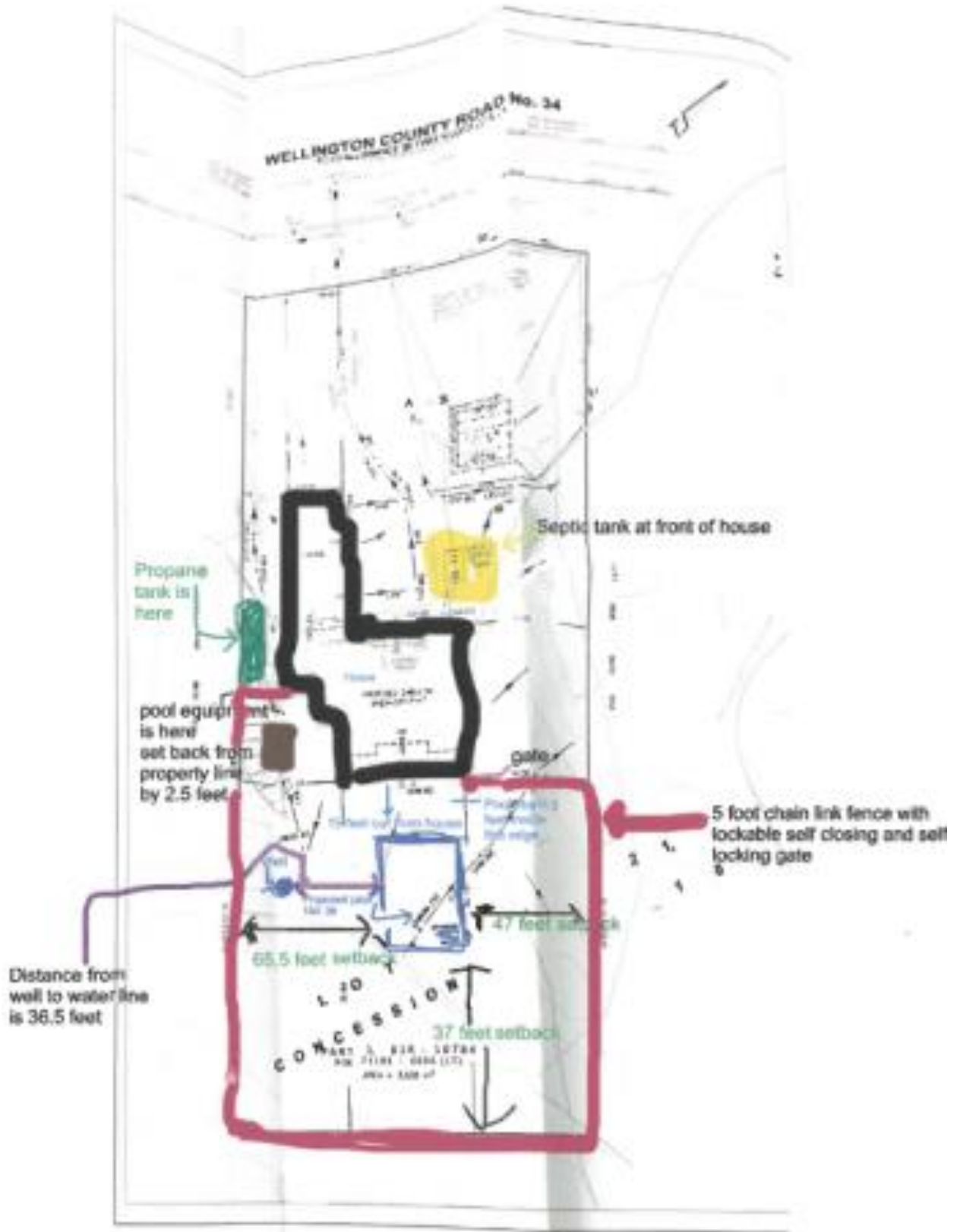


Asavari Jadhav
Junior Planner



Meagan Ferris, RPP MCIP
Manager of Planning and Environment

ATTACHMENT 1: Submitted Site Plan





June 30, 2023

Project: 23-14-911

Ms. Lynne Banks
Development Coordinator
Township of Puslinch
7404 Wellington Road 34
Puslinch, Ontario
N0B 2J0

Dear Ms. Banks:

Re: Application for Minor Variance
90 Gilmour Road
Owners: Michel Lorenzo Chartrand and Victoria Lynn Chartrand

Please find enclosed an "Application for Minor Variance" for the above-noted property. Also enclosed is a cheque payable to the Township of Puslinch in the amount of \$806.00 to cover the Township's processing fees. Finally, I have included a sketch illustrating the MDS 1 setbacks for a proposed new lot at the above-noted location, as well as an air photo of the proposal.

The purpose of the minor variance is to seek a reduction in the MDS 1 calculation from the required 255 metres to 217 metres to the unoccupied barn located at 76 Gilmour Road. We understand the barn at 76 Gilmour Road was used for storage purposes, however, we have no documentation to confirm this information, nor were we allowed inside the building to determine its use. As such, we are applying for a minor variance to the MDS I calculation. MDS calculations have been included.

It should be noted that a previous consent at 74 Gilmour Road has resulted in a new residential dwelling being located closer to the barn than the proposed new lot on the easterly side of 90 Gilmour Road.

Together with this minor variance application, a consent application has been filed with the County of Wellington.

Should you require any additional information in support of this application, please call me.

Yours very truly

J.D. BARNES LIMITED
(Formerly Black, Shoemaker, Robinson & Donaldson Limited)


Nancy Shoemaker, BAA, RPP

Attachments
Copy: Mike & Vicki Chartrand
County of Wellington



TOWNSHIP OF
PUSLINCH
EST. 1850

Township of Puslinch
7404 Wellington Road 34
Puslinch, ON, N0B 2J0
T: (519) 763 – 1226
F: (519) 763 – 5846
www.puslinch.ca

Minor Variance or Permission Application

General Information:

1. Applicant Information:

Registered Owner's Name(s): Michel Lorenzo Chartrand and Victoria Lynn Chartrand

Address: 90 Gilmour Road

City: Puslinch

Postal Code: N0B 2J0

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax: _____

Applicant (Agent) Name(s): J.B. Barnes Limited (Nancy Shoemaker)

Address: 257 Woodlawn Road West, Unit 101

City: Guelph

Postal Code: N1H 8J1

E-mail Address: [REDACTED]

Telephone Number: [REDACTED]

Fax: _____

Name, address, and phone number of all persons having any mortgages, charges, or encumbrances on the property.

Royal Bank of Canada
180 Wellington Street West
2nd Floor
Toronto, Ontario
M5J 1J1

Send correspondence to: Owner: Agent: Other: _____

2. Provide a description of the “entire” property:

Municipal address: 90 Gilmour Road

Concession: 8 Lot: Part Lot 23

Registered Plan Number: Part 1, Plan 61R-8303 and Part 1, Plan 61R-8873

Area: 1.56 ha Depth: 122 m Frontage: 135.7 m
3.84 ac 400.26 ft 445.2 ft

Width of road allowance (if known): 12.192 m

Reason for Application:

3. Please indicate the Section of the Planning Act under which this application is being made. Select one:

Section 45(1) relates to a change to a by-law standard (e.g. setbacks, frontage, height, etc.); or

Section 45(2) relates to a change to or expansion of an existing legal non-conforming use.

4. What is the nature and extent of the relief that is being applied for? (please specifically indicate on sketch).

Variance to Section 4.16.1 MDS 1 setback for new non-farm uses

MDS 1 - Type B calculation would require a setback of 255 metres to unoccupied barn located at 76 Gilmour Road.

Setback that can be achieved to new lot is 217 metres.

**5. Why is it not possible to comply with the provisions of the by-law?
(please specifically indicate on sketch).**

Maximum distance from existing barn to new lot is 217 metres due to location of the property associated with 90 Gilmour Road. In addition, the existence of a Regulated Watercourse along the easterly side of 90 Gilmour Road and the requirement to locate the new driveway, dwelling unit, septic system and well outside of the GRCA Regulated Area also restricts the formation of the new lot.

6. What is the current Official Plan and zoning status?

Official Plan Designation: Secondary Agricultural

Zoning Designation: Agricultural (A)

7. What is the access to the subject property?

Provincial Highway:

Continually maintained municipal road:

Seasonally maintained municipal road:

Other: (please specify below)

8. What is the name of the road or street that provides access to the subject property?

Gilmour Road

9. If access is by water only, please describe the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject land to the nearest public road.

N/A

Existing and Proposed Service:

10. Indicate the applicable water supply and sewage disposal:

Water Supply/Sewage Disposal:	Existing:	Proposed:
Municipal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Water:	<input type="checkbox"/>	<input type="checkbox"/>
Private Well:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other Water Supply:	<input type="checkbox"/>	<input type="checkbox"/>
Municipal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Communal Sewers:	<input type="checkbox"/>	<input type="checkbox"/>
Private Septic:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other Sewage Disposal:	<input type="checkbox"/>	<input type="checkbox"/>

11. How is storm drainage provided?

Storm Sewers:

Ditches:

Swales:

Other means: (explain below)

Existing Subject and Abutting Property Land Uses, Buildings and their Locations:

12. What is the existing use of:

The subject property? Rural Residential

The abutting properties? Rural residential to the north, west and east, agricultural to the south along opposite side of Gilmour Rd.

13. Provide the following details for all buildings on or proposed for the subject land: (please use a separate page if necessary)

Type of Building(s)/ structures	Final Building details for house unknown - will be constructed in accordance with Zoning By-law regulations			
Main Building height	m	ft.	m	ft.
*Percentage lot coverage	m	ft.	m	ft.
*Number of parking spaces			2	
*Number of loading spaces		N/A	N/A	
Number of floors		1	1	
Total floor area	m ²	ft ²	m ²	ft ²
Ground floor area (exclude basement)	m ²	ft ²	m ²	ft ²

14. What is the location of all buildings existing and proposed for the subject property? (specify distances from front, rear and side lot lines)

	Final Building location for house unknown - will be constructed in accordance with Zoning By-law regulations			
Front Yard	m	ft.	m	ft.
Rear Yard	m	ft.	m	ft.
Side Yards	m	ft.	m	ft.

15. What are the dates of acquisition and construction of subject property and building property?

Date of acquisition of subject property: May 7, 1993

Date of construction of buildings property: Pre 1993 but exact date unknown for existing shed on this part of the property

16. How long have the existing uses continued on the subject property? over 30 years

17. Has the owner previously applied for relief in respect of the subject property?

Yes No

If the answer is yes, please indicate the file number and describe briefly:

Other Related Planning Applications:

18. Has an application for any of the following on the subject lands?

Planning Application:	Yes:	No:	File Number:	Approval Authority:	Subject Lands	Purpose:	Status:
Official Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Zoning By-Law Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Plan of Subdivision	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Consent (Severance)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Submitted concurrent with variance	County of Wellington	Part of subject lands	Consent	In Process
Site Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>					
Minor Variance	<input type="checkbox"/>	<input checked="" type="checkbox"/>					

Authorization for Agent/Solicitor to act for Owner:

(If affidavit is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below shall be completed)

I (we) Michel and Victoria Chartrand of the
Township of Puslinch County/Region of
Wellington do hereby authorize

J.D. Barnes Limited (Nancy Shoemaker) to act as my agent in this application.



Signature of Owner(s)

June 30, 2023
Date

Affidavit:

I (we) Nancy Shoemaker of the
City of Guelph County/Region of
Wellington solemnly declare that all the statements

contained in this application are true, and I, (we), make this solemn declaration

conscientiously believing it to be true, and knowing that it is of the same force and effect

as if made under oath and by virtue of the CANADA EVIDENCE ACT. DECLARED

before me at the City of Guelph in the

County/Region of Wellington this 30th day of

June, 2023.



Signature of Owner pr authorized solicitor or agent

June 30, 2023
Date



Signature of Commissioner

June 30, 2023
Date



TOWNSHIP OF PUSLINCH
COUNTY OF WELLINGTON

LOT 23,

CONCESSION 8

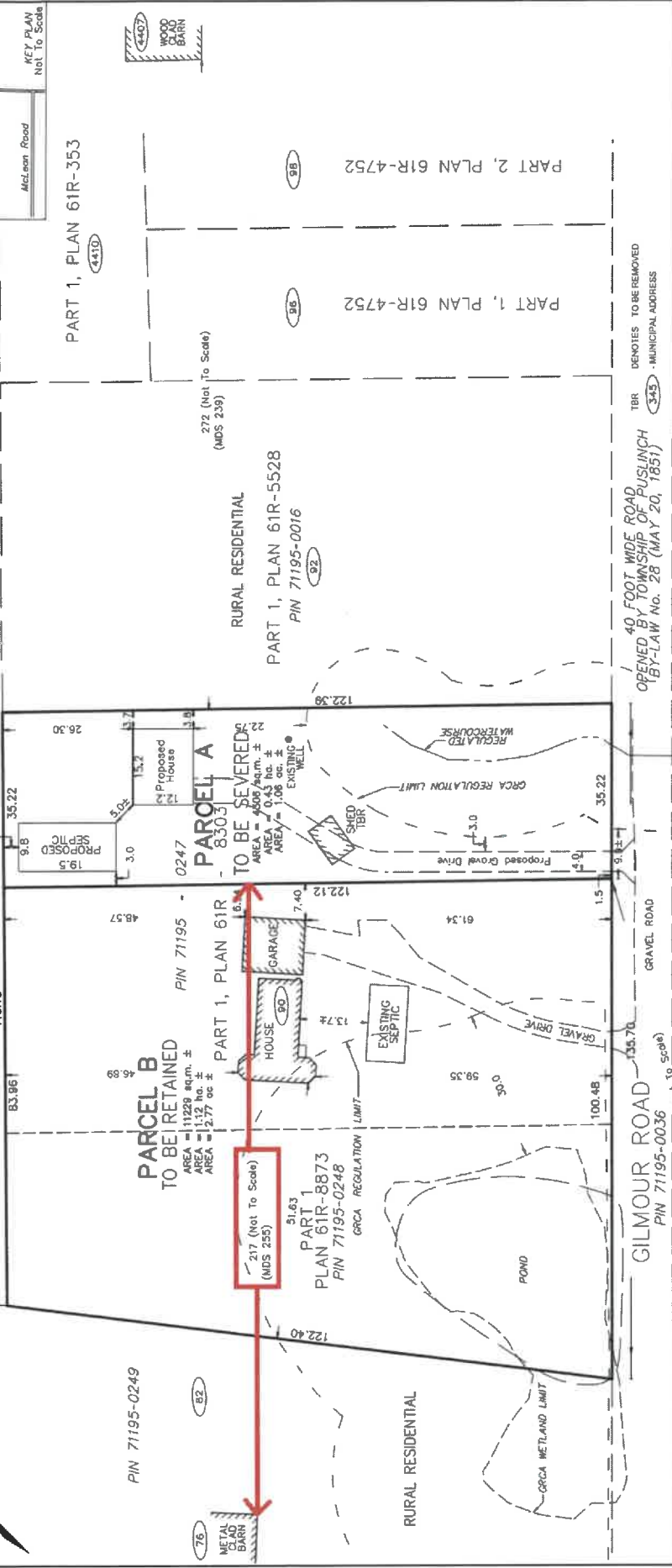
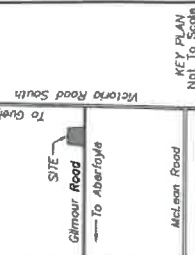
PIN 71195 - 0656

RURAL RESIDENTIAL

**PLAN FOR CONSENT APPLICATION OF
90 GILMOUR ROAD**



DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRIC METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.



CAUTION:
THIS IS NOT A PLAN OF SURVEY AND SHALL NOT BE USED EXCEPT FOR THE PURPOSE INDICATED IN THE TITLE BLOCK.

NOTE:
THE BOUNDARY IS COMPILED FROM EXISTING RECORDS AND HAS NOT BEEN FIELD VERIFIED.

© COPYRIGHT 2023. REPRODUCTION, DISTRIBUTION OR ALTERATION OF THIS PLAN IN WHOLE OR IN PART, WITHOUT THE WRITTEN PERMISSION OF J.D. BARNES LIMITED IS STRICTLY PROHIBITED.

J.D. BARNES
LAND INFORMATION SPECIALISTS
57 HARRISON AVENUE UNIT 101 WESTPORT ONTARIO
L9W 5G8 CANADA TEL: 705-872-2328 www.jdbarnes.com

RPA	ISSUED
NS	CHECKED
MAY 31/23	DRAWN
23-14-911-00	REV. NO.



4407 Victoria Road

82 Gilmour Road

90 Gilmour Road

Proposed Consent

76 Gilmour Road

Gilmour Rd

77 Gilmour Road

74 Gilmour Road

Minimum Distance Separation I
Worksheet 1
Prepared By: Nancy Shoemaker, Planner, Black, Shoemaker, Robinson & Donaldson

Description: 76 Gilmour Road, Puslinch
Application Date: Tuesday, May 16, 2023
Municipal File Number:
Proposed Application: Lot creation for four, or more, residential lots outside of a settlement area
 Type B Land Use

Applicant Contact Information

Nancy Shoemaker
 J.D. Barnes Limited
 257 Woodlawn Road West, Unit 101
 Guelph, ON, Canada N1H 8J1

Location of Subject Lands

County of Wellington, Township of Puslinch
 PUSLINCH, Concession: 8, Lot: 23
 Roll Number: 2301000006017010000

Calculation Name: Farm 1
Description: 76 Gilmour Road, Puslinch

Farm Contact Information

Michael Georges
 76 Gilmour Road
 Puslinch, ON, Canada N0B 2J0
 Phone #1: 519-837-0293

Location of existing livestock facility or anaerobic digester

County of Wellington, Township of Puslinch
 PUSLINCH, Concession: 8, Lot: 23
 Roll Number: 2301000006017010000

Total Lot Size: 4.07 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Unoccupied Livestock Barn, -	193 m ²	9.7	193 m ²

Existing Manure Storage: No storage required (manure is stored for less than 14 days)


Design Capacity (NU): 9.7

Potential Design Capacity (NU): 9.7

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance F' (minimum distance from livestock barn)	Storage Base Distance 'S' (actual distance from livestock barn)				
1.0	X	165.5	X	0.7	X	2.2	=	255 m (836 ft)	217 m (712 ft)

Storage Base Distance 'S'
 (minimum distance from manure storage)

No storage present

 The calculated setback is based on assumptions for an unoccupied barn or unused storage that may not reflect the actual design capacity.

Preparer Information

Nancy Shoemaker
 Planner
 Black, Shoemaker, Robinson & Donaldson
 257 Speedvale Avenue West, Unit 101
 Guelph, ON, Canada N1H 8J1

Signature of Preparer: _____
 Nancy Shoemaker, Planner

Date: May 16, 2023
NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



FARM DATA SHEET

Minimum Distance Separation I (MDSI)

County of Wellington

NOTE TO FARM OWNER(S)

By filling out this form you will help to ensure that new land uses will be located a suitable distance from your livestock operation. Feel free to contact the County Planning office with any questions.

Owner(s) of Livestock Facility Michael + Linda Georges

Contact Information

Email _____ Telephone _____
 Civic Address 76 Gilmour Road Municipality Township of Puslinch
 Lot Part Lot 23 Concession 8 Division _____
 Lot Size (where livestock facility is located) 4.07 hectares 10.06 acres

Signature of Livestock Facility Owner _____ Date _____

BARN(S) SIZE Please provide the size of the barns located on the property. This information is used to verify maximum livestock capacity. 193 ft²(m²) _____ ft²/m²

Manure Storage Types Solid manure: 18% dry matter, or more Liquid manure: <18% dry matter

- | | | | |
|----|---|----|---|
| V1 | Solid, inside, bedded pack | L1 | Solid, outside, no cover, 18% - <30% dry matter, with uncovered liquid runoff storage |
| V2 | Solid, outside, covered | L2 | Liquid, outside, with a permanent floating cover |
| V3 | Solid, outside, no cover, ≥30% dry matter | M1 | Liquid, outside, no cover, straight-walled storage |
| V4 | Solid, outside, no cover, 18% - <30% dry matter, with covered liquid runoff storage | M2 | Liquid, outside, roof, but with open sides |
| V5 | Liquid, inside, underneath slatted floor | H1 | Liquid, outside, no cover, sloped-sided storage |
| V6 | Liquid, outside, with a permanent, tight-fitting cover | | |

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Beef Cattle	Cows, including calves to weaning (all breeds)		
	Feeders (7 – 16 months)		
	Backgrounders (7 – 12.5 months)		
	Shortkeepers (12.5 – 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed; 545 – 658 kg (e.g. Holsteins)		
	Medium-framed; 455 – 545 kg (e.g. Guernseys)		
	Small-framed; 364 – 455 kg (e.g. Jerseys)		
	Heifers (5 months to freshening)		
	Large-framed; 182 – 545 kg (e.g. Holsteins)		
	Medium-framed; 148 – 455 kg (e.g. Guernseys)		
	Small-framed; 125 – 364 kg (e.g. Jerseys)		
	Calves (0 – 5 months)		
	Large-framed; 45 – 182 kg (e.g. Holsteins)		
Medium-framed; 39 – 148 kg (e.g. Guernseys)			
Small-framed; 30 – 125 kg (e.g. Jerseys)			
Horses	Large-framed, mature; >681 kg (e.g. draft or draft cross breeds including unweaned offspring)		
	Medium-framed, mature; 227 – 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)		
	Small-framed, mature; <227 kg (e.g. ponies and miniatures including unweaned offspring)		

Owner refused to complete form but claimed barn had been converted to storage

FARM DATA SHEET (continued)
Minimum Distance Separation I (MDSI)

County of Wellington

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Swine	Sows with litter, dry sows or boars		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 – 27 kg)		
	Feeders (27 – 136 kg)		
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		
Goats	Does & bucks (for meat kids; includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	Layer hens (for eating eggs; after transfer from pullet barn)		
	Layer pullets (day-olds until transferred into layer barn)		
	Broiler breeder growers (males/females transferred out to layer barn)		
	Broiler breeder layers (males/females transferred in from grower barn)		
	Broilers on any length of cycle		
Turkeys	Turkey poults (day-old until transferred to grow out turkey barn)		
	Turkey breeder layers (males/females transferred in from grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floor area)		
Veal	Milk-fed		
	Grain-fed		
Other	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
Imported manure	Use the volume of the manure storages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline 20 for more information).

**QUESTIONS?
PLEASE CONTACT**

County of Wellington
Planning and Development Department
74 Woolwich Street, Guelph
ON N1H 3T9

P 519.837.2600 x2170
F 519.923.1694

Minimum Distance Separation I

Worksheet 1

Prepared By: Nancy Shoemaker, Planner, Black, Shoemaker, Robinson & Donaldson

Description: 4407 Victoria Road South, Puslinch
Application Date: Tuesday, May 16, 2023
Municipal File Number:
Proposed Application: Lot creation for four, or more, residential lots outside of a settlement area
 Type B Land Use

Applicant Contact Information

Nancy Shoemaker
 J.D. Barnes Limited
 257 Woodlawn Road West, Unit 101
 Guelph, ON, Canada N1H 8J1

Location of Subject Lands

County of Wellington, Township of Puslinch
 PUSLINCH, Concession: 9, Lot: 23
 Roll Number: 2301000007099500000

Calculation Name: Farm 1

Description: 4407 Victoria Road South, Puslinch

Farm Contact Information

Jeff Townes
 4407 Victoria Road South
 Puslinch, ON, Canada N0B 2J0
 Phone #1: 519-277-0791

Location of existing livestock facility or anaerobic digester

County of Wellington, Township of Puslinch
 PUSLINCH, Concession: 9, Lot: 23
 Roll Number: 2301000002099500000
 Total Lot Size: 1.16 ha

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Unoccupied Livestock Barn, -	130 m ²	6.5	130 m ²

Existing Manure Storage: No storage required (manure is stored for less than 14 days)

Design Capacity (NU): 6.5

Potential Design Capacity (NU): 6.5

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	=	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)			
1.0	X	155	X	0.7	X	2.2	=	239 m (783 ft)	272 m (892 ft)

Storage Base Distance 'S'
 (minimum distance from manure storage)

No storage present



The calculated setback is based on assumptions for an unoccupied barn or unused storage that may not reflect the actual design capacity.

Preparer Information

Nancy Shoemaker
 Planner
 Black, Shoemaker, Robinson & Donaldson
 257 Speedvale Avenue West, Unit 101
 Guelph, ON, Canada N1H 8J1

Signature of Preparer: _____
 Nancy Shoemaker, Planner

Date: May 16, 2023

NOTE TO THE USER:

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.



Minimum Distance Separation I (MDSI)

County of Wellington

ensure that new land uses will be located a suitable distance from your livestock operation. Feel free to contact the County Planning office with any questions.

Owner(s) of Livestock Facility JEFF TOWNES

Contact Information
 Telephone [Redacted]
 Mailing Address 4407 Victoria Road South Municipality Township of Puslinch
Part Lot 23 Concession 9 Division _____
 Total Size (where livestock facility is located) 1.16 hectares 2.88 acres

Signature of Livestock Facility Owner [Redacted] Date May 2/23

(N) SIZE Please provide the size of the barns located on the property. This information is used to verify maximum livestock capacity. _____ ft²/m² _____ ft²/m²

- Manure Storage Types
- Solid manure: 18% dry matter, or more
 - Liquid manure: <18% dry matter
 - Solid, inside, bedded pack
 - Solid, outside, covered
 - Solid, outside, no cover, ≥30% dry matter
 - Solid, outside, no cover, 18% - <30% dry matter, with covered liquid runoff storage
 - Liquid, inside, underneath slatted floor
 - Liquid, outside, with a permanent, tight-fitting cover
 - L1 Solid, outside, no cover, 18% - <30% dry matter, with uncovered liquid runoff storage
 - L2 Liquid, outside, with a permanent floating cover
 - M1 Liquid, outside, no cover, straight-walled storage
 - M2 Liquid, outside, roof, but with open sides
 - H1 Liquid, outside, no cover, sloped-sided storage

Animal Type	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Cattle	Cows, including calves to weaning (all breeds)		
	Feeders (7 - 16 months)		
	Backgrounders (7 - 12.5 months)		
	Shortkeepers (12.5 - 17.5 months)		
Dairy Cattle	Milking-age cows (dry or milking)		
	Large-framed; 545 - 658 kg (e.g. Holsteins)		
	Medium-framed; 455 - 545 kg (e.g. Guernseys)		
	Small-framed; 364 - 455 kg (e.g. Jerseys)		
	Heifers (5 months to freshening)		
	Large-framed; 182 - 545 kg (e.g. Holsteins)		
	Medium-framed; 148 - 455 kg (e.g. Guernseys)		
	Small-framed; 125 - 364 kg (e.g. Jerseys)		
	Calves (0 - 5 months)		
	Large-framed; 45 - 182 kg (e.g. Holsteins)		
Medium-framed; 39 - 148 kg (e.g. Guernseys)			
Small-framed; 30 - 125 kg (e.g. Jerseys)			
Horses	Large-framed, mature; >681 kg (e.g. draft or draft cross breeds including unweaned offspring)		
	Medium-framed, mature; 227 - 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)		
	Small-framed, mature; <227 kg (e.g. ponies and miniatures including unweaned offspring)		

FARM DATA SHEET (continued)
Minimum Distance Separation I (MDSI)

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Swine	Sows with litter, dry sows or boars		
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 - 27 kg)		
	Feeders (27 - 136 kg)		
Sheep	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
	Lambs (dairy or feeder lambs)		
Goats	Does & bucks (for meat kids, includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
	Kids (dairy or feeder kids)		
Chickens	layer hens (for eating eggs; after transfer from pullet barn)		
	layer pullets (day-olds until transferred into layer barn)		
	Broiler breeder growers (males/females transferred out to layer barn)		
	Broiler breeder layers (males/females transferred in from grower barn)		
Turkeys	Broilers on any length of cycle		
	Turkey poults (day-old until transferred to grow out turkey barn)		
	Turkey breeder layers (males/females transferred in from grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
Veal	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floor area)		
	Milk-fed		
	Grain-fed		
Other	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
Imported manure	Use the volume of the manure storages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline 20 for more information).

QUESTIONS?
PLEASE CONTACT

County of Wellington
Planning and Development Department
74 Woolwich Street, Guelph
ON N1H 3T9

P 519.837.2600 x2170
F 519.923.1694



FARM DATA SHEET
Minimum Distance Separation I (MDSI)

County of Wellington

NOTE TO FARM OWNER(S)

By filling out this form you will help to ensure that new land uses will be located a suitable distance from your livestock operation. Feel free to contact the County Planning office with any questions.

Owner(s) of Livestock Facility

Duncan and Helen Susan McLeod

Contact Information

Email [REDACTED] Telephone [REDACTED]
Civic Address 77 Gilmour Road Municipality Township of Puslinch
Lot Part Lot 24 Concession 8 Division [REDACTED]
Lot Size (where livestock facility is located) 29.3 hectares 72.43 acres
Signature of Livestock Facility Owner [REDACTED] Date May 1, 2023

BARN(S) SIZE Please provide the size of the barns located on the property. This information is used to verify maximum livestock capacity. _____ ft²/m² _____ ft²/m²

- Manure Storage Types**
- Solid manure: 18% dry matter, or more
 - Liquid manure: <18% dry matter
- | | | | |
|----|---|----|---|
| V1 | Solid, inside, bedded pack | L1 | Solid, outside, no cover, 18% - <30% dry matter, with uncovered liquid runoff storage |
| V2 | Solid, outside, covered | L2 | Liquid, outside, with a permanent floating cover |
| V3 | Solid, outside, no cover, ≥30% dry matter | M1 | Liquid, outside, no cover, straight-walled storage |
| V4 | Solid, outside, no cover, 18% - <30% dry matter, with covered liquid runoff storage | M2 | Liquid, outside, roof, but with open sides |
| V5 | Liquid, inside, underneath slatted floor | H1 | Liquid, outside, no cover, sloped-sided storage |
| V6 | Liquid, outside, with a permanent, tight-fitting cover | | |

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)	
Beef Cattle	Cows, including calves to weaning (all breeds)			
	Feeders (7 - 16 months)			
	Backgrounders (7 - 12.5 months)			
	Shortkeepers (12.5 - 17.5 months)			
Dairy Cattle	Milking-age cows (dry or milking)			
	Large-framed; 545 - 658 kg (e.g. Holsteins)			
	Medium-framed; 455 - 545 kg (e.g. Guernseys)			
	Small-framed; 364 - 455 kg (e.g. Jerseys)			
	Heifers (5 months to freshening)			
	Large-framed; 182 - 545 kg (e.g. Holsteins)			
	Medium-framed; 148 - 455 kg (e.g. Guernseys)			
	Small-framed; 125 - 364 kg (e.g. Jerseys)			
Calves (0 - 5 months)	Large-framed; 45 - 182 kg (e.g. Holsteins)			
	Medium-framed; 39 - 148 kg (e.g. Guernseys)			
	Small-framed; 30 - 125 kg (e.g. Jerseys)			
	Horses	Large-framed, mature; >681 kg (e.g. draft or draft cross breeds including unweaned offspring)		
		Medium-framed, mature; 227 - 680 kg (e.g. saddle, riding and racing breeds including unweaned offspring)		
		Small-framed, mature; <227 kg (e.g. ponies and miniatures including unweaned offspring)		

** Both barns have been converted to workshops. The township was out to complete inspection.*

FARM DATA SHEET (continued)
Minimum Distance Separation I (MDSI)

Animal Type of Material	Description	Housing Capacity (maximum)	Manure Storage Type (select from list)
Swine	Sows with litter, dry sows or boars	NO LIVE STOCK	
	Breeder gilts (entire barn designed specifically for this purpose)		
	Weaners (7 - 27 kg)		
Sheep	Feeders (27 - 136 kg)		
	Ewes & rams (for meat lambs; includes unweaned offspring & replacements)		
	Ewes & rams (dairy operation; includes unweaned offspring & replacements)		
Goats	Lambs (dairy or feeder lambs)		
	Does & bucks (for meat kids; includes unweaned offspring and replacements)		
	Does & bucks (for dairy; includes unweaned offspring & replacements)		
Chickens	Kids (dairy or feeder kids)		
	Layer hens (for eating eggs; after transfer from pullet barn)		
	Layer pullets (day-olds until transferred into layer barn)		
	Broiler breeder growers (males/females transferred out to layer barn)		
	Broiler breeder layers (males/females transferred in from grower barn)		
Turkeys	Broilers on any length of cycle		
	Turkey poults (day-old until transferred to grow out turkey barn)		
	Turkey breeder layers (males/females transferred in from grower barn)		
	Breeder toms		
	Broilers (day-olds to 6.2 kg)		
	Hens (day-olds up to 6.2 to 10.8 kg; 7.5 kg is typical)		
Veal	Toms (day-olds to over 10.8 to 20 kg; 14.5 kg is typical)		
	Turkeys at any other weights, or if unknown (by floor area)		
Other	Milk-fed		
	Grain-fed		
Imported manure	Please refer to Factor Table 1 of The Minimum Distance Separation (MDS) Document for complete list of animal types		
	Use the volume of the manure storages		
Unoccupied livestock barns	A livestock barn that does not currently house any livestock, but that housed livestock in the past and continues to be structurally sound and reasonably capable of housing livestock.*		

*NOTE: This should only be used where obtaining information from the farm operator(s) and/or owner(s) was not possible (see Implementation Guideline 20 for more information).

**QUESTIONS?
PLEASE CONTACT**

County of Wellington
Planning and Development Department
74 Woolwich Street, Guelph
ON N1H 3T9

P 519.837.2600 x2170
F 519.923.1694

FINAL INSPECTION REPORT

Township of Puslinch
7404 Wellington Road 34
Puslinch, ON, N0B 2J0



TOWNSHIP OF
PUSLINCH
ON

(519) 763-1226

Ext: 216

Inspection Type Final
Inspection Date 01/09/2019 Time 12:00 PM
Inspection Status FAILED
Next Inspection 03/22/2019
Inspector Gerald Moore

Roll Number 23-01-000-008-00900-000
Permit Number 0072 /2018
Date Issued 09/07/2018
Work Action Alter

Property Owner MCLEOD HELEN SUSAN
Address 77 GILMOUR RD

Home Phone [REDACTED]
Work Phone [REDACTED]
Cell Phone [REDACTED]

Contractor Owner
PUSLINCH ON N0B 2J0

Email [REDACTED]
Original Owner MCLEOD HELEN SUSAN

Office Phone
Cellular Phone

Legal Description 77 GILMOUR RD

PUSLINCH CON 8 PT LOT 24

Project Description convert barn to workshop

Structure Description N/A

Comments

- building renovations far enough along that the barn can no longer be used to house animals

Nancy Shoemaker

From: Andrew Hartholt <ahartholt@puslinch.ca>
Sent: Tuesday, June 27, 2023 9:59 AM
To: Nancy Shoemaker
Cc: Lynne Banks; Joanna Salsberg
Subject: RE: 90 Gilmour Road Consent & MDS

I agree that the barn referenced in the inspection report, building permit #0072/2018, no longer needs to be considered for MDS.



Andrew Hartholt, CBCO/CRBO
Chief Building Official
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 ext. 229/Fax: 519-763-5846 www.puslinch.ca

My work hours may not match yours, and I do not expect you to respond outside your working hours

From: Nancy Shoemaker <nshoemaker@jdbarnes.com>
Sent: Monday, June 26, 2023 9:37 AM
To: Andrew Hartholt <ahartholt@puslinch.ca>
Cc: Lynne Banks <lbanks@puslinch.ca>; Joanna Salsberg <joannasal@wellington.ca>
Subject: RE: 90 Gilmour Road Consent & MDS

Good Morning Andrew:

Can you please confirm that this Building Inspection report is sufficient to confirm that MDS does not apply to 77 Gilmour since these barns can no longer accommodate animals.

Thanks

Nancy Shoemaker

BAA, RPP

J.D. Barnes Limited
(formerly Black, Shoemaker, Robinson & Donaldson Limited)
257 Woodlawn Road West, Unit 101
Guelph, Ontario N1H 8J1
Phone: 519-822-4031 ext.3006
Email: nshoemaker@jdbarnes.com
nancy@bsrd.com

From: Joanna Salsberg <joannasal@wellington.ca>
Sent: Friday, June 23, 2023 11:44 AM
To: Nancy Shoemaker <nshoemaker@jdbarnes.com>
Cc: lbanks@puslinch.ca; Andrew Hartholt <ahartholt@puslinch.ca>
Subject: RE: 90 Gilmour Road Consent & MDS

Hi Nancy,

I suggest reaching out to Andrew (cc'd) regarding the inspection report and confirm if this would be sufficient to address the conversion of the barn for MDS I compliance.

Thanks,

Joanna

Joanna Salsberg, RPP MCIP

She/Her/Hers

Planner

Planning and Development Department

County of Wellington

74 Woolwich Street

Guelph ON N1H 3T9

T 519.837.2600 x 2380

E joannasal@wellington.ca

W www.wellington.ca

From: Nancy Shoemaker <nshoemaker@jdbarnes.com>

Sent: Friday, June 23, 2023 11:26 AM

To: Joanna Salsberg <joannasal@wellington.ca>

Cc: lbanks@puslinch.ca

Subject: Re: 90 Gilmour Road Consent & MDS

Hi Joanna:

The form I emailed was from the Township confirming the conversion of 77. What more would be required?

Regards

Nancy

Get [Outlook for iOS](#)

From: Joanna Salsberg <joannasal@wellington.ca>

Sent: Friday, June 23, 2023 11:23:19 AM

To: Nancy Shoemaker <nshoemaker@jdbarnes.com>

Cc: lbanks@puslinch.ca <lbanks@puslinch.ca>

Subject: RE: 90 Gilmour Road Consent & MDS

Hi Nancy,

It does appear relief is required for the barn at 76 Gilmour Rd. The planner that receives the file will review for MDS I compliance, and obtaining relief would be required as a condition for a consent application. Regarding 77 Gilmour, the Township would need to confirm if they are satisfied that the barns have been converted to a workshop.

Thanks,

Joanna

Joanna Salsberg, RPP MCIP

She/Her/Hers
Planner
Planning and Development Department
County of Wellington
74 Woolwich Street
Guelph ON N1H 3T9
T 519.837.2600 x 2380
E joannasal@wellington.ca
W www.wellington.ca

From: Nancy Shoemaker <nshoemaker@jdbarnes.com>
Sent: Monday, June 19, 2023 11:48 AM
To: Joanna Salsberg <joannasal@wellington.ca>
Cc: MichelChartrand@bell.net; V C <vchartrand@sympatico.ca>
Subject: 90 Gilmour Road Consent & MDS

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you know the contents to be safe.

Good Morning Joanna:

I have attached the MDS calculations for the proposed consent at 90 Gilmour Road in Puslinch.

There are 3 barns located within 500 metres. Included with this email is the calculation required for the barn at 4407 Victoria Road and 76 Gilmour Road. The barn at 4407 Victoria Road is unoccupied and using the Agri-Suite calculation, the required setback is 239 metres. The proposed consent is beyond this calculation. The barn at 76 Gilmour Road has been converted to a storage facility that was used by the son of the owner for his business. It is no longer being used for this purpose, however, the owner would not complete the form or allow us to go inside the building. We prepared the Agri-Suite calculation using an unoccupied barn approach. The required setback is 255 metres. Although there is a consent that is closer to this property than the proposed consent at 90 Gilmour, the setback to the proposed new lot is 217 metres. Please confirm if a minor variance is required given that there remains a question as to whether the existing barn can be used to house animals.

I have not completed a calculation for the barn at 77 Gilmour Road as the barn has been converted to workshop and I have included the Township confirmation that the barn can no longer be used for animals.

Can you please review this information and confirm that the County is satisfied with the calculations.

Thanks

Nancy Shoemaker
BAA, RPP

J.D. Barnes Limited
(formerly Black, Shoemaker, Robinson & Donaldson Limited)
257 Woodlawn Road West, Unit 101
Guelph, Ontario N1H 8J1
Phone: 519-822-4031 ext.3006
Email: nshoemaker@jdbarnes.com
nancy@bsrd.com

From: guelphscan@jdbarnes.com <guelphscan@jdbarnes.com>

Sent: Monday, June 19, 2023 12:35 PM

To: Nancy Shoemaker <nshoemaker@jdbarnes.com>

Subject: Attached Image

Hillary Miller

From: Brent Smith
Sent: Monday, July 24, 2023 1:43 PM
To: Hillary Miller
Cc: Tom Mulvey
Subject: Re: Minor Variance Notice of Public Hearing - D13/CHA - 90 Gilmour Rd

Hi Hillary,
Puslinch Fire and Rescue Services have no concerns with the Minor Variance request for 90 Gilmour Road.
Thanks
Brent Smith
CFPO
Puslinch Fire and Rescue Services

Get [Outlook for Android](#)

From: Hillary Miller <hmiller@puslinch.ca>
Sent: Friday, July 21, 2023 2:34:19 PM
To: Brent Smith <bsmith@puslinch.ca>; Andrew Hartholt <ahartholt@puslinch.ca>; Services <services@puslinch.ca>; Building <building@puslinch.ca>; Mike Fowler <mfowler@puslinch.ca>; Jacob Normore <jnormore@puslinch.ca>
Subject: Minor Variance Notice of Public Hearing - D13/CHA - 90 Gilmour Rd

Good afternoon,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by July 31, 2023.

Kind regards,



Hillary Miller
Legislative Assistant
Township of Puslinch
7404 Wellington Rd. 34, Puslinch, ON N0B 2J0
P: 519-763-1226 x207/Fax: 519-763-5846 www.puslinch.ca

Hillary Miller

From: Source Water <sourcewater@centrewellington.ca>
Sent: Monday, July 24, 2023 1:37 PM
To: Hillary Miller
Cc: Source Water
Subject: RE: Minor Variance Notice of Public Hearing - D13/CHA - 90 Gilmour Rd
Attachments: WHPA_Map_Gilmour_90_Q.pdf

Hello Hillary,

Thank you for providing the above referenced application for review. Since this property is located in a vulnerable area (wellhead protection area for quantity) but the activity(ies), as indicated, would not create a significant drinking water threat, the application can be screened out and it does not require a Section 59 notice under the *Clean Water Act*.

I have attached a map showing the property and Wellhead Protection Areas for your reference.

If you have any further questions regarding this application, or in the event of any technical problem with the email or attachments, please contact me.

Thanks,

Kim Funk | Source Protection Coordinator

Wellington Source Water Protection | 1 MacDonald Square, Elora, ON, N0B 1S0
519.846.9691 x283 | kfunk@centrewellington.ca | www.wellingtonwater.ca
Toll free: 1-844-383-9800

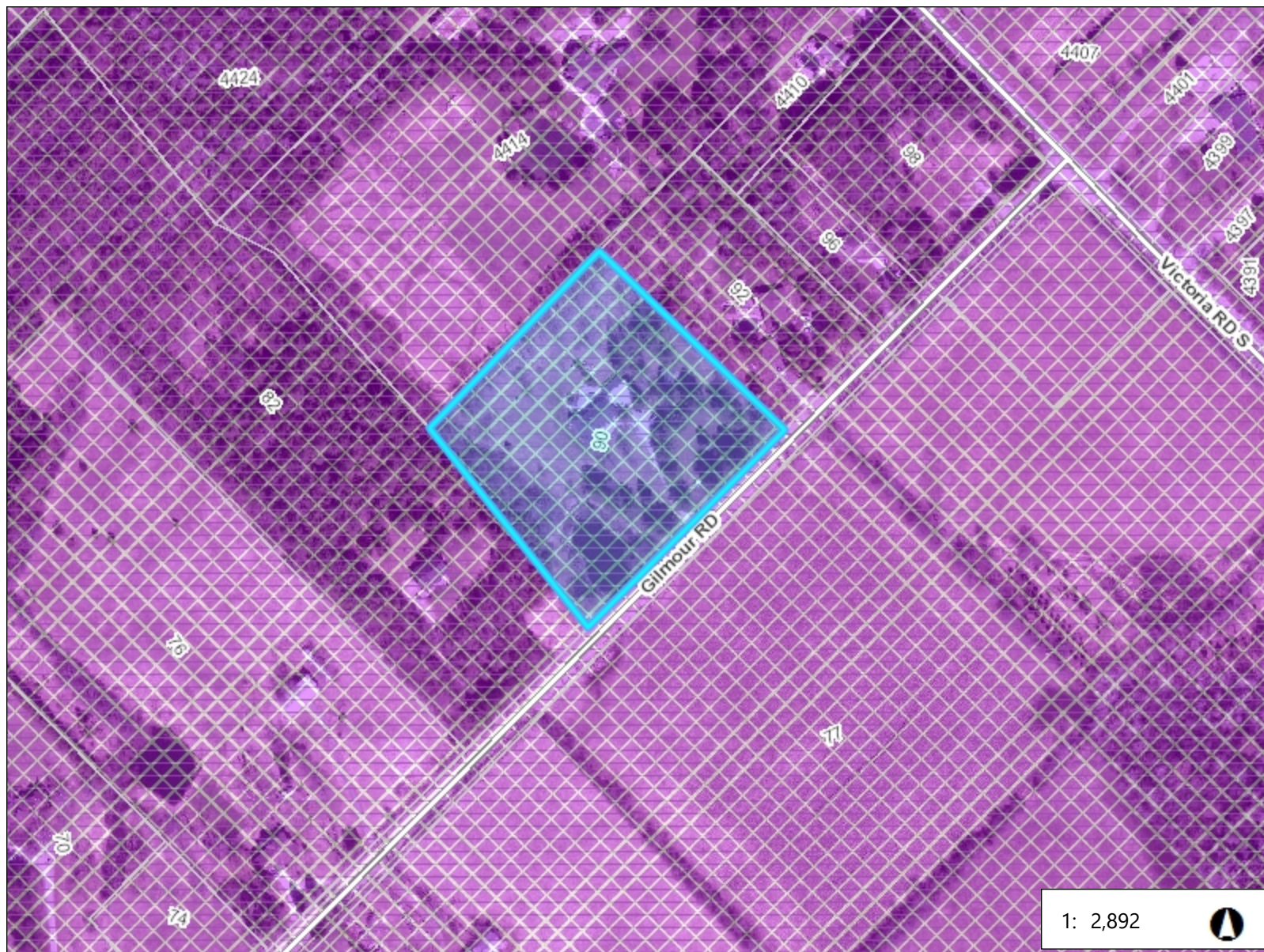
From: Hillary Miller <hmiller@puslinch.ca>
Sent: July 21, 2023 2:33 PM
To: Source Water <sourcewater@centrewellington.ca>
Subject: Minor Variance Notice of Public Hearing - D13/CHA - 90 Gilmour Rd

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Attached please find the Notice of Public Hearing with respect to the above property for your review and comment. Please provide any comments you might have by July 31, 2023.

Kind regards,



Legend

- Parcels
- Roads**
 - Local Road
 - County Road
 - Highway
- Well Locations**
 - Existing
 - Proposed
- WHPA Q1_Q2_Boundary
- WHPA Q1_Q2**
 - Approved
 - Draft
- SGRA
- RoadsLookup

Notes

0.1 0 0.07 0.1 Kilometers

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Produced using information under License with the Grand River Conservation Authority. Copyright © Grand River Conservation Authority, 2022.

THIS IS NOT SURVEY DATA. Parcels - Teranet 2002, Wellington County 2022



July 27, 2023

via email

GRCA File: D13-CHA – 90 Gilmour Road

Lynne Banks
Township of Puslinch
7404 Wellington Road 34
Puslinch, ON N0B 2J0

Dear Ms. Banks,

Re: Minor Variance Application D13/CHA
90 Gilmour Road, Township of Puslinch
Michel and Victoria Chartrand

Grand River Conservation Authority (GRCA) staff has reviewed the above-noted minor variance application.

Recommendation

The Grand River Conservation Authority (GRCA) has no objection to the proposed minor variance application.

GRCA Comments

GRCA has reviewed this application under the Mandatory Programs and Services Regulation (Ontario Regulation 686/21), including acting on behalf of the Province regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020), as a regulatory authority under Ontario Regulation 150/06, and as a public body under the *Planning Act* as per our CA Board approved policies.

Information currently available at this office indicates that the subject property contains a wetland, watercourse, and the regulated allowance adjacent to these features. A copy of our resource mapping is attached.

Due to the presence of the above-noted features, portions of the property are regulated by the GRCA under Ontario Regulation 150/06 - Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Any future development or other alteration within the regulated area will require prior written approval from GRCA in the form of a permit pursuant to Ontario Regulation 150/06.

The minor variance application requests permission to allow a reduced MDS I setback of 217 metres rather than the required 255 metres from a livestock facility. The reduced MDS I setback is needed to facilitate a lot proposed to be severed through consent application B52-23. GRCA staff have no objection to this minor variance application. We note that additional comments regarding the consent application will also be submitted to the County of Wellington.

We wish to acknowledge receipt of the applicable plan review fee for our review of the related application B52-23. As such, a GRCA plan review fee for this application is not required.

For Municipal Consideration

Please be advised that on January 1, 2023, a new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Conservation Authorities Act) came into effect. As a result, non-mandatory technical review services that the GRCA formerly provided under agreement with some municipalities (e.g., technical reviews related to natural heritage and select aspects of stormwater management) will no longer be provided.

Should you have any questions, please contact me at 519-621-2763 ext. 2228 or aherreman@grandriver.ca.

Sincerely,



Andrew Herreman, CPT
Resource Planning Technician
Grand River Conservation Authority

Enclosed: GRCA Mapping

Copy: Michel & Victoria Chartrand (via email)
Nancy Shoemaker, J.D. Barnes Ltd. (via email)



D13-CHA - 90 Gilmour Road

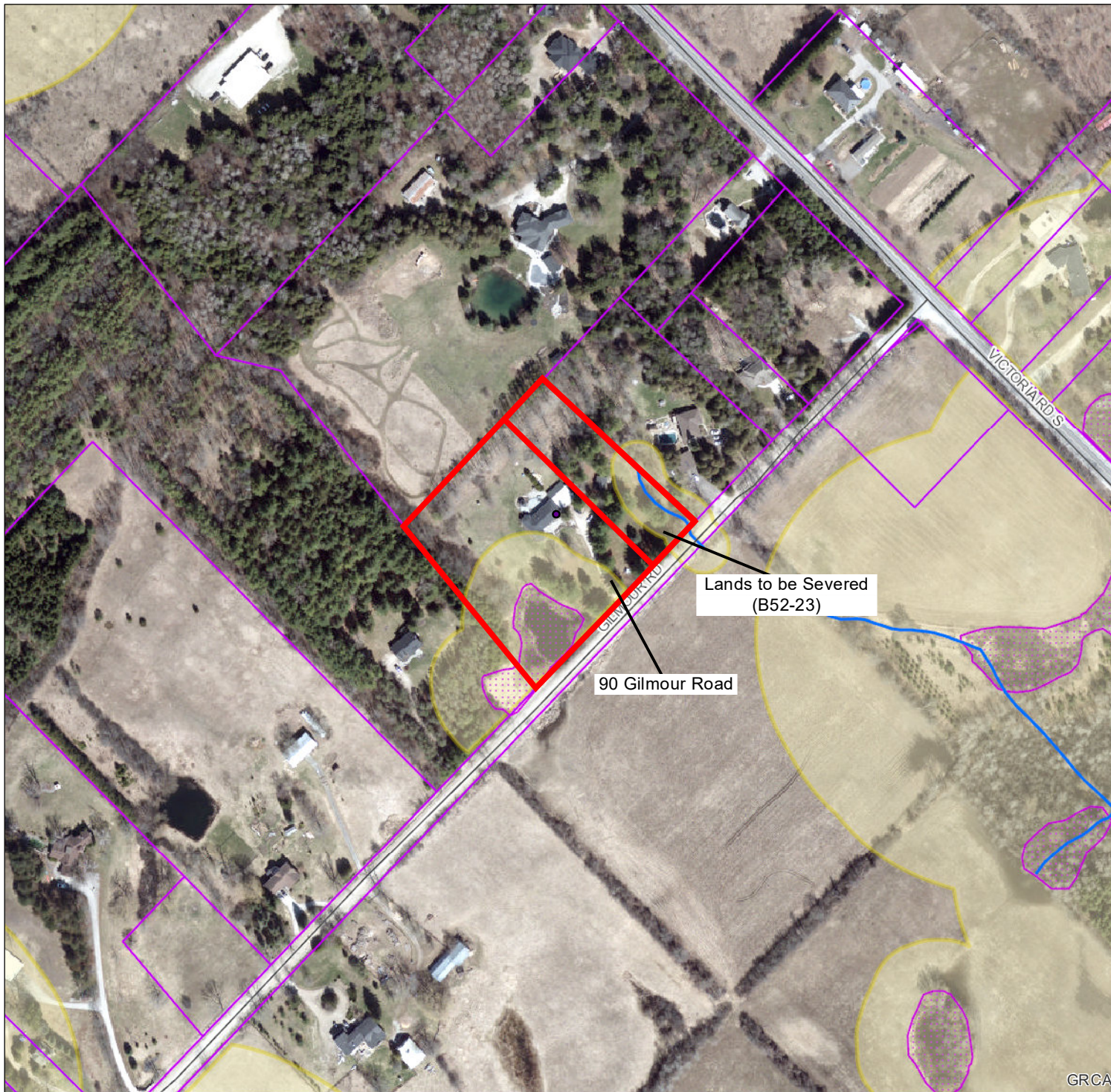
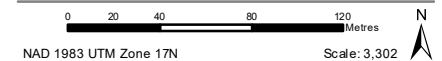


Legend

- Regulation Limit (GRCA)
- Regulated Watercourse (GRCA)
- Regulated Waterbody (GRCA)
- Wetland (GRCA)
- Floodplain (GRCA)
 - Engineered
 - Estimated
 - Approximate
 - Special Policy Area
- Slope Valley (GRCA)
 - Steep
 - Oversteep
 - Steep
- Slope Erosion (GRCA)
 - Oversteep
 - Toe
- Lake Erie Flood (GRCA)
- Lake Erie Shoreline Reach (GRCA)
- Lake Erie Dynamic Beach (GRCA)
- Lake Erie Erosion (GRCA)
- Parcel - Assessment (MPAC/MNRF)

This legend is static and may not fully reflect the layers shown on the map. The text of Ontario Regulation 150/06 supercedes the mapping as represented by these layers.

Copyright Grand River Conservation Authority, 2023. Disclaimer: This map is for illustrative purposes only. Information contained herein is not a substitute for professional review or a site survey and is subject to change without notice. The Grand River Conservation Authority takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from this map are the sole responsibility of the user. The source for each data layer is shown in parentheses in the map legend. For a complete listing of sources and citations go to: <https://maps.grandriver.ca/Sources-and-Citations.pdf>





**PLANNING REPORT
for the TOWNSHIP OF PUSLINCH**

Prepared by the County of Wellington Planning and Development Department in our capacity as planning consultants for the Township

MEETING DATE: August 8th, 2023
TO: Lynne Banks, Development and Legislative Coordinator
 Township of Puslinch
FROM: Asavari Jadhav, Junior Planner
 Meagan Ferris, Manager of Planning and Environment
 County of Wellington
SUBJECT: **MINOR VARIANCE APPLICATION D13/CHA (Michel and Victoria Chartrand)**
90 Gilmore Road
ATTACHMENTS: **1 – Site Plan Submitted by Applicant**

We have reviewed the application for minor variance and provide the following comments. These comments are offered without the benefit of a site visit.

Planning Opinion

The purpose of this application is to seek relief from the Township Zoning By-law for the Minimum Distance Separation I (MDS I) requirements to fulfill a condition of consent application **B52/23** which will be heard in the September 2023 County of Wellington Land Division Committee. The consent application would sever a 0.43 ha (1.06 ac) vacant parcel and a 1.12 ha (2.76 ac) lot with an existing dwelling and garage to be retained.

The applicant requires a setback reduction to the unoccupied livestock structure at 76 Gilmour Road. The subject minor variance application would seek relief from Section 4.16.1 of the Zoning By-law and reduce the minimum required MDS I setback of 255 meters to 217 meters for the unoccupied livestock structure at 76 Gilmour Road.

The minor variance application would maintain the general intent and purpose of the Official Plan and Zoning By-law and is desirable and appropriate for the development of the subject property. We consider the request minor and have no concerns with the application.

The comments provided within this report are related to the variance only and staff have not evaluated the appropriateness of the severances as part of this report. Severance application for this site will be reviewed, at the time of application submission, based on its individual merits and consistency with the County’s lot creation policies and any other applicable County and Provincial policy.

Proposal:

Section of the By-law	Required	Proposed	Relief Requested
4.16.1 a MDS I – New Non-Farm Uses	Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted within the Agricultural (A) Zone or any other zone in which agricultural uses are permitted, shall be erected or altered	217 m (711.94 ft) instead of the required	38 m (124.67 ft)

	unless it complies with the Minimum Distance Separation I (MDS I) setback from a livestock facility, calculated using the Formulas published by the Province of Ontario, as may be amended from time to time.	255 m (836.61 ft)	
--	---	----------------------	--

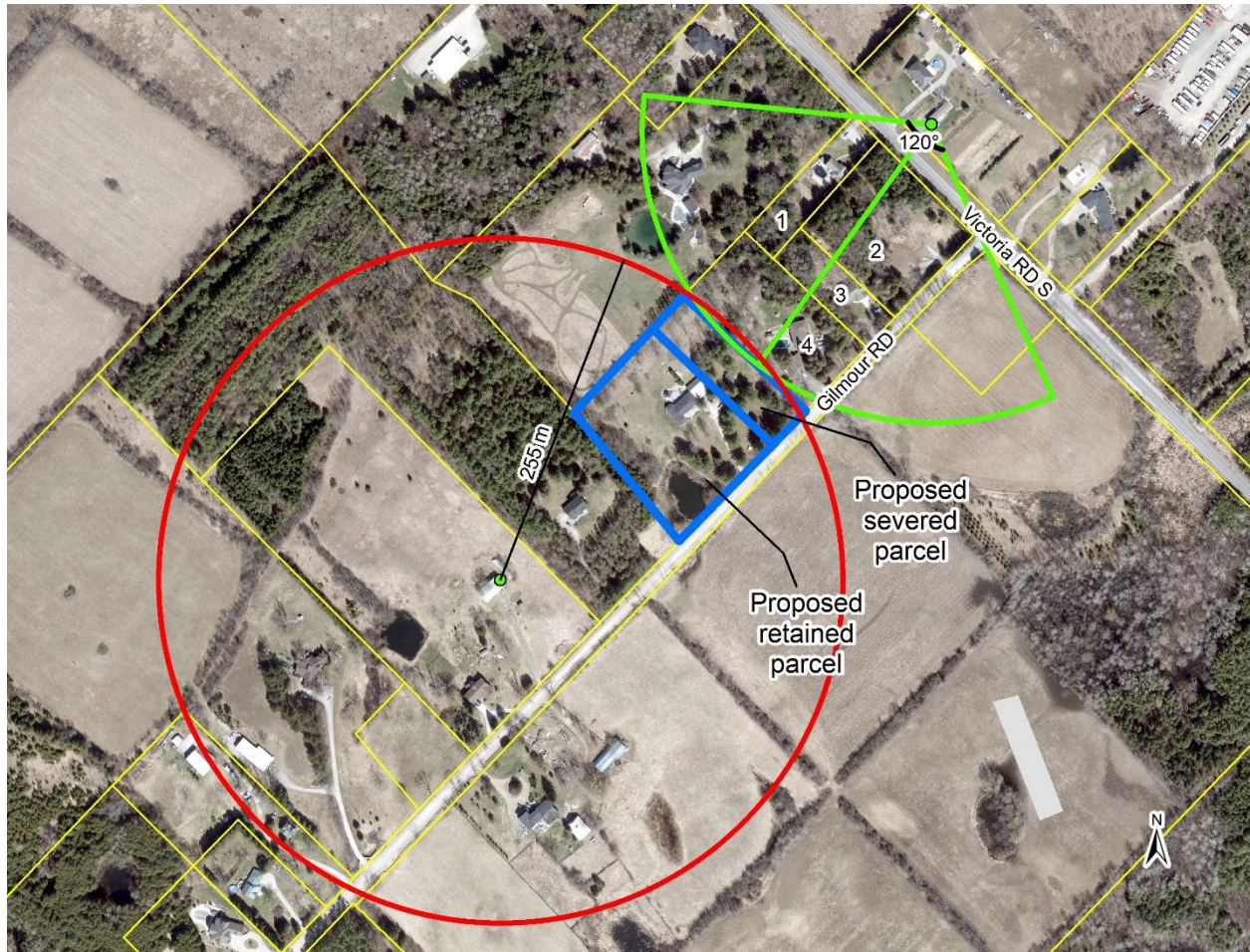


Figure 1 - Subject Property

Our discussion of this application relative to the four tests under the Planning Act is as follows:

Four Tests	Discussion
That the requested variance is minor in nature	<ul style="list-style-type: none"> • The purpose of this application is to request relief from the required MDS I setback to facilitate creation of a new rural residential parcel. • Consent application B52/23 will be heard in the September 2023 County of Wellington Land Division Committee. • MDS I setbacks are measured at the shortest distance between the proposed lot line and either the surrounding livestock occupied portions of the livestock barns or manure storages. • The intent of MDS I setbacks is to reduce odour conflicts by separating incompatible land uses and to avoid and/or limit negative impacts on livestock operations and future modifications to livestock operations including their ability to expand. Guideline #43 of the MDS document provides for the consideration of MDS I relief. • The MDS I calculation for the barn located at 76 Gilmour Road is 255

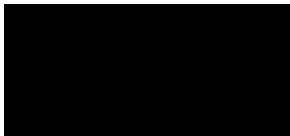
	<p>meters. This calculation is based on Type B land use. Relief requested is for reduce minimum required setback of 217 meters.</p> <ul style="list-style-type: none"> • Guideline #20 provides the requirements for calculating MDS I setbacks for unoccupied livestock barns. An unoccupied livestock barn does not currently house any livestock, but did house livestock in the past and continues to be structurally sounds and reasonably capable of housing livestock. The intent of Guideline #20 is to take into account future livestock facility capacity while also considering uncertain odour potential when the type of livestock to be housed is unknown. • Suitable alternative locations for the severed parcel on the subject property are limited. • There are other dwellings and vacant lots on surrounding properties that are located closer to the existing barns than the severed parcel on the subject lands. • There is an existing dwelling on 82 Gilmour Road and 74 Gilmour Road that appears to be located closer to the barn on 76 Gilmour Road. The lot line for these parcels appears to be approximately 31.5 meters and 87.2 meters respectively to the barn. These dwellings/lots are located closer to the existing barns than the proposed severed parcel on the subject lands. • The barn located at 4407 Victoria Rd S is approximately at a distance of 271 meters. The existing barn was reviewed as per Guideline #12 of the MDS document and determined that a reduced MDS I setback may be permitted provided there are four, or more, non-agricultural uses, residential uses and/or dwellings closer to the subject livestock facility than the proposed development located within 120° field of view (Figure 1). • Further, the Township staff has confirmed that the barn on 77 Gilmour Road has been converted to a storage building (Building permit #0072/2018).
<p>That the intent and purpose of the Zoning By-law is maintained</p>	<ul style="list-style-type: none"> • The subject property is zoned Agricultural (A) and Natural Environmental (NE) and are within the Environmental Protection Zone Overlay. • A single detached dwelling is a permitted use within the A Zone. • Section 4.16.1(a) requires that ‘no residential use located on a separate lot and permitted within the Agricultural (A) Zone or any other zone in which agricultural uses are permitted, shall be erected or altered unless it complies with the MDS I setback from a livestock facility, calculated using the Formulas published by the Province of Ontario, as may be amended from time to time’. • The intent of the By-law provisions is to implement the directives of the Provincial MDS Guidelines which in turn seek to limit land use conflicts. • The proposed severed and retained lot meet the required area and frontage requirements for reduced agricultural lot.
<p>That the general intent and purpose of the Official Plan is maintained</p>	<ul style="list-style-type: none"> • The subject property is designated as Secondary Agricultural, Core Greenlands and Greenlands within the County of Wellington Official Plan. Identified features include Significant Wooded Area and GRCA regulated Wetlands. • The subject lands are also located within the Paris Galt Moraine Policy Area.

	<ul style="list-style-type: none"> • Consent application B52/23 will be heard in the September 2023 County of Wellington Land Division Committee. The application will be reviewed based on its individual merits and consistency with the County’s lot creation policies and any other applicable County and Provincial Policy. The site plan submitted with this application can be seen in Attachment 1.
<p>That the variance is desirable and appropriate development and use of the land, building or structure</p>	<ul style="list-style-type: none"> • The subject property is surrounded by agricultural and rural residential uses. • Planning staff do not anticipate that a new residential use in this location would further hinder or preclude the present use or future potential for the agricultural operations in question given that a number of existing rural residential uses are already located closer to both barns and these uses have existed for some time. • The proposed severed parcel is not the closest dwelling to the barn at 76 Gilmour Road and 4407 Victoria Rd S and these properties would also impact future expansions to the livestock facilities.

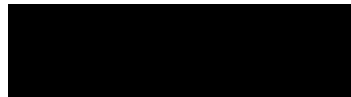
In conclusion, planning staff is of the opinion that the requested variance application **meets the four tests** of the Planning Act.

I trust that these comments will be of assistance to the Committee in their consideration of this matter. We would appreciate a copy of the Committee’s decision with respect to this application.

Respectfully submitted
County of Wellington Planning and Development Department

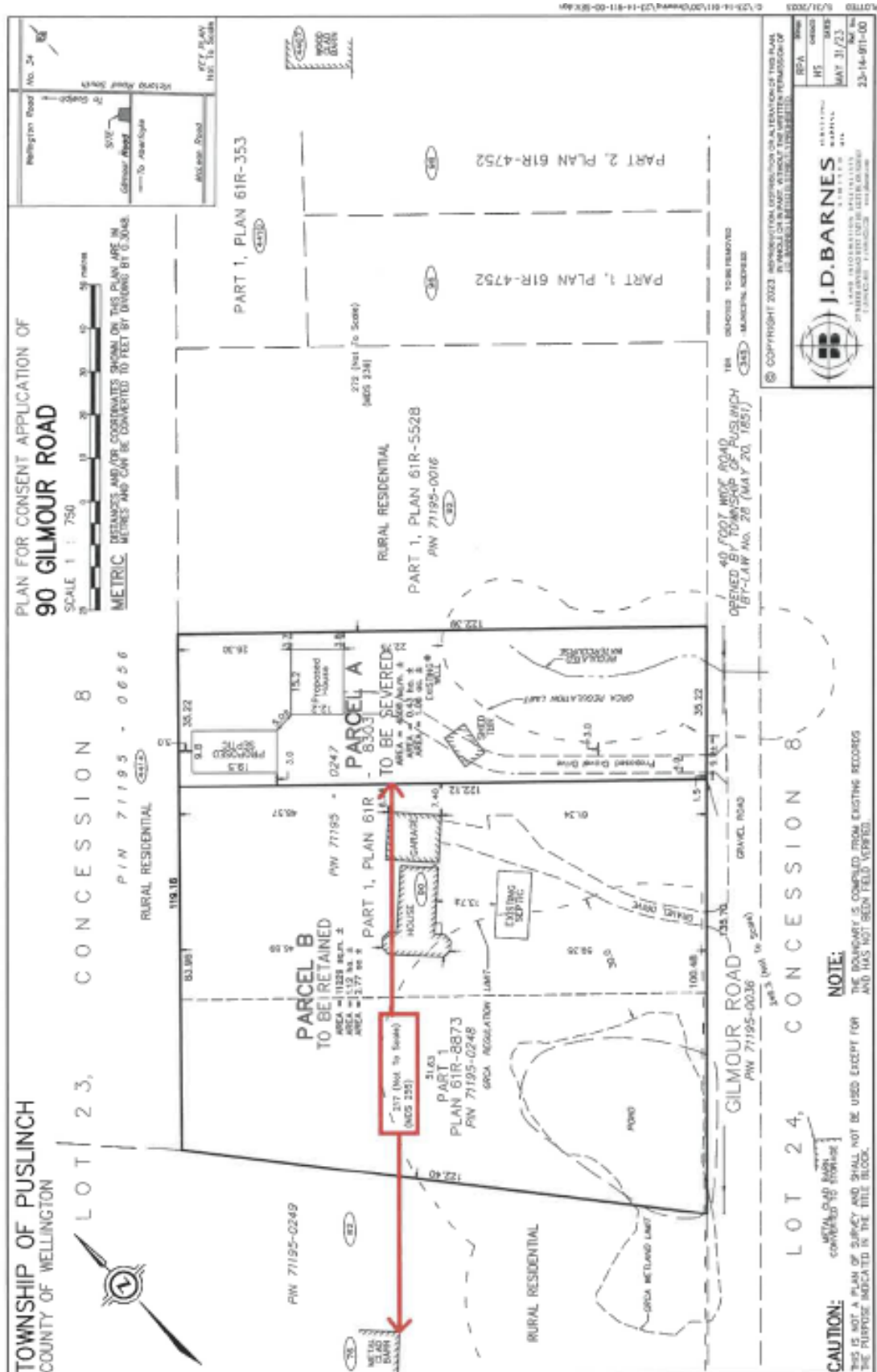


Asavari Jadhav
Junior Planner



Meagan Ferris, RPP MCIP
Manager of Planning and Environment

ATTACHMENT 1: Site Plan Submitted by Applicant





MDS I

General information

Application date Jul 18, 2023	Municipal file number	Proposed application Other Type B land use
Applicant contact information Ruth Ann ON	Location of subject lands County of Wellington Township of Puslinch PUSLINCH Concession 3 , Lot 18 Roll number: 2326000028056000000	


Calculations


76 Gilmore rd

Farm contact information 	Location of existing livestock facility or anaerobic digester 	Total lot size 4 ha
ON	County of Wellington Township of Puslinch	

Livestock/manure summary


Manure Form	Type of livestock/manure	Existing maximum number	Existing maximum number (NU)	Estimated livestock barn area
Solid	Unoccupied Livestock Barn	193 m ²	9.7 NU	193 m ²

 **Confirm Livestock/Manure Information (76 Gilmore rd)**
The livestock/manure information has not been confirmed with the property owner and/or farm operator.

 **Unoccupied Barn or Unused Storage (76 Gilmore rd)**
The calculated setback is based on assumptions for an unoccupied barn or unused storage that may not reflect the actual design capacity.

Setback summary

Existing manure storage	V3. Solid, outside, no cover, >= 30% DM		
Design capacity	9.7 NU		
Potential design capacity	9.7 NU		
Factor A (odour potential)	1	Factor B (design capacity)	165.5
Factor D (manure type)	0.7	Factor E (encroaching land use)	2.2

Building base distance 'F' (A x B x D x E) (minimum distance from livestock barn)	255 m (837 ft)
Actual distance from livestock barn	217 m (712 ft) 
Storage base distance 'S' (minimum distance from manure storage)	No existing manure storage
Actual distance from manure storage	NA

Preparer signoff & disclaimer

Preparer contact information

Asavari Jadhav
County of Wellington
ON

Signature of preparer

Asavari Jadhav

Date (mmm-dd-yyyy)

Note to the user

The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.