APPLICATION FOR MINOR VARIANCE

OR FOR PERMISSION


<table>
<thead>
<tr>
<th>Minor Variance</th>
<th>2018 Fee Effective Jan 1/18</th>
<th>2019 Fee Effective Jan 1/19</th>
<th>2020 Fee Effective Jan 1/20</th>
<th>2021 Fee Effective Jan 1/21</th>
</tr>
</thead>
<tbody>
<tr>
<td>- 1 or 2 variances</td>
<td>$1,456</td>
<td>$1,484</td>
<td>$1,514</td>
<td>$1,544</td>
</tr>
<tr>
<td>- 3 or more variances</td>
<td>$1,872</td>
<td>$1,909</td>
<td>$1,947</td>
<td>$1,986</td>
</tr>
</tbody>
</table>

Each application must be accompanied by the application fee in the form of a cheque payable to the local municipality.

The undersigned hereby applies to the Committee of Adjustment for the ____________________________ (name of municipality) under section 45 of the Planning Act 1990 for relief, as described in this application, from By-law No____________________ (as amended).

1. Name of Owner______________________
   Telephone: ________________________ Email: ________________________
   Address ____________________________

2. Name of Agent (if applicable) ____________________________
   Telephone: ________________________ Email: ________________________
   Address ____________________________

Note: Unless otherwise requested, all communications will be sent to the agent, if any.

3. Provide legal description and address of property.
   Ward: ____________________________
   Concession: __________ Lot: __________ Registered Plan #: ____________________________
   911 Address and Road Name: ____________________________

NOTE: If property legal description and address approved, all numbers following will need to be changed.
4. Names and addresses of any mortgages, holders of charges or other encumbrances:

________________________________________
________________________________________

5. Nature and extent of relief applied for:
   1. Reduce req'd side yard setback from 30m to 24m for new manure storage.
   2. Reduce req'd front yard setback from 60m to 24m.

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

LEGAL NON CONFORMING DISTANCES TO ROAD AND SIDE YARD

7. Legal description of subject land (registered plan number and lot number or other legal description and, where applicable, street and street number):

   Ward: Turnbury
   Lot(s): 11
   Concession: 9
   Roll Number: __________________________ Registered Plan No.: __________________________
   911 Number & Road Name: 41532 Hawick-Turnberry Rd.

8. Is any of the subject land in Wellhead Protection Area C? ______ Yes ☐ No ☐ Unknown ☐

   If Yes, please obtain a Restricted Land Use Permit from the Risk Management Official. If Unknown, please consult with your Municipal Planner and obtain a Restricted Land Use Permit if necessary.

9. Indicate if access to the property is by Provincial Highway, municipal road maintained all year or seasonally, another public road or right of way: Yes   Hawick-Turnberry Road

10. Will this proposal result in adding or changing the location of any driveways/accesses/entrances?

    Yes ☐ No ☐

11. Dimensions of land affected:

    Frontage: 443 m +/-
    Depth: 1,021 m +/-

    Area: 100 acres.
    Width of street: __________________________

Updated: 5 July 2019
12. Particulars of all buildings and structures on or proposed for the subject land (Specify ground floor area, number of storeys, width, length, height, etc.):

Existing:

40 x 315 ft two story poultry barn

Proposed:

Addition of separation strip and manure storage area. Total 60 x 65 ft x 65 acre

13. Location of all buildings and structures on or proposed for the subject land (Specify distance from side, rear and front lot lines):

Existing:

Barn - front yard 28 m +/-. Side yard 45 m +/-
House (to be demolished)

Proposed:

Barn + Manure storage - front yard 28 m +/-
Side yard 25 m +/-

14. Date of acquisition of subject land:

2015 due to death transfer, owned by family since 1950's

15. Date of construction of all buildings and structures on subject land:

1966

16. Existing uses of the subject property:

Broiler chicken production
17. Existing uses of abutting properties:

Agricultural

18. Length of time the existing uses of the subject property have continued:

1950

19. Municipal services available (check appropriate space or spaces):

Water – Connected ☐

Publicly Owned ☐ Privately Owned ☑

Communal Well ☐ Lake ☐

Sewage Disposal – Connected ☐ N/A

Sanitary Sewers ☐ Septic System ☐ Privy ☐

Storm Drainage – Connected ☐

Storm Sewers ☐ Ditches ☐ Swales ☐ Other ☐

20. Is this property assessed to a Municipal Drain?

Yes ☐ No ☐

If yes, what is the name of the drain?

Hastings Drain ??

21. Is there a tile drain loan for this property or has an application for a tile drain loan been submitted to the Municipality within the last 90 days?

Yes ☐ No ☑

22. Present Official Plan provisions applying to the land:

Agriculture / Natural Environment / Mineral Aggregate.
23. Present Zoning By-law provisions applying to the land:

AG1 / NEZ

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

Yes ☐ No ☑

If the answer is yes, describe briefly:

25. Applicants are strongly encouraged to contact the County and speak/meet with the Planner to the Municipality before submitting an application for information.

Date of Applicant’s consultation meeting with County Planner: Sep 24 2019

Has the Planner advised the Applicant that this application needs to be reviewed by the Huron County Stewardship Coordinator for comments on Natural Heritage matters.

Yes ☐ (submit a fee of $208.00 made payable to the Treasurer, County of Huron) No ☑

26. Is the subject property the subject of a current application for consent or plan of subdivision under the Planning Act? If yes, please indicate file number:

Yes ☐ No ☑

Notes:

a) It is required that . . . . . . . . . . copies of this application be filed with the Secretary-Treasurer of the Committee of Adjustment, together with the plan referred to in Note 2, accommodated by a fee of $1484 in cash or by cheque made payable to the Treasurer of the (name of municipality).

b) Each copy of this application must be accompanied by a plan showing the dimensions of the subject land and all abutting land; the location, size and type of all existing and proposed buildings and structures on the subject land indicating the distance of the buildings from the lot lines; approximate location of all natural and artificial features on the subject and adjacent lands; location, width and name of roads; location of easements; and use of adjacent lands. The Committee of Adjustment may require that the plan be signed by an Ontario Land Surveyor.
c) Please be advised the responsibility for filing a complete application rests solely with the owner/applicant. Anything not requested or applied for in this application and subsequently found to be necessary (which may require another application(s) and fee(s)) are the sole responsibility of the owner/applicant. The County/Municipality will address only the application as applied for, and any items that are not included in the application are not the responsibility of the County/Municipality.

All studies required to support this application shall be at the expense of the applicant and included at the time of submission as a complete application. Where the County/Municipality incurs costs for the peer review of any consultants’ reports or fees for legal opinions, the County/Municipality will be reimbursed such costs by the applicant.

In the event of third-party appeals to applications approved by the County/Municipality, the applicant may be responsible for some or all of the legal and other costs incurred by the County/Municipality, at the discretion of the County/Municipality.
OWNER'S AUTHORIZATION
(This must be completed by the OWNER if the owner is not filing the application.)

I/We __________________________, being the registered owner(s) of the subject lands, hereby authorize __________________________ to prepare and submit an application of Minor Variance.

[Signature of Owner]

Date __________________________

APPLICANT'S DECLARATION
(This must be completed by the Person Filing the Application for the proposed development site.)

I, __________________________ of the __________________________

(Name of Applicant) 
(Name of Town, Township, etc.)

In the Region/County/District __________________________ solemnly declares that all of the statements contained in this application and supporting documentation are true and complete, and I 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:

Region/County/District __________________________

In the Municipality of __________________________

[Signature]

This ______ day of ______________, 2019

(Day) (Month) (Year)

Please Print name of Applicant

[Signature]

Commissioner of Oaths

Kim Johnston
Deputy Clerk
Commissioner of Oaths
Municipality of Morris-Turnberry
41342 Morris Rd, Brussels, ON N0G 1H0
OWNER/APPLICANT'S CONSENT DECLARATION

In accordance with the provisions of the Planning Act, it is the policy of the County Planning Department to provide the public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation, I, [Name], the owner/the authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the County of Huron staff, Municipal staff and council members of the decision making authority to access to the subject site for purposes of evaluation of the subject application.

[Signature]

[Date]

CERTIFICATION

I, ________________________________

For the ________________________________

Of ________________________________ in the ________________________________ of ________________________________

Certify that the above application is a true copy.

Dated this ________________________________ day of ________________________________, 20 __________

[Signature]
Minimum Distance Separation II
Worksheet 1
Prepared By: Kirk Livingston, Chief Building Official, Morris Turnberry

Description:

Application Date: Tuesday, September 24, 2019
Municipal File Number:

Applicant Contact Information
Not Specified

Location of Subject Livestock Facilities
County of Huron, Municipality of Morris-Turnberry
TURNBERRY, Concession: , Lot:

Holl Number: 4US

Calculation Name: Ferm 1
Description: Nelson Underwood

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.

<table>
<thead>
<tr>
<th>Manure Type</th>
<th>Type of Livestock/Manure</th>
<th>Existing Maximum Number</th>
<th>Existing Maximum Number (NU)</th>
<th>Total Maximum Number</th>
<th>Total Maximum Number (NU)</th>
<th>Estimated Livestock Barn Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Solid</td>
<td>Chickens, Broilers</td>
<td>21,400 ft²</td>
<td>80.2</td>
<td>21,400 ft²</td>
<td>80.2</td>
<td>21,400 ft²</td>
</tr>
</tbody>
</table>

Manure Storage: L1. Solid, outside, no cover, 18-30% DM, with uncovered liquid runoff storage

Existing design capacity (NU): 80.2
Design capacity after alteration (NU): 80.2

\[
\text{Factor A} \times \text{Factor B} \times \text{Factor C} \times \text{Factor D} = \text{Building Base Distance F'}
\]

\[
0.7 \times 298.02 \times 0.5000 \times 0.7 = \text{No livestock barn construction}
\]

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

96 m (316 ft)

MDS II Setback Distance Summary

<table>
<thead>
<tr>
<th>Description</th>
<th>Minimum Manure Storage Setback Distance</th>
<th>Actual Manure Storage Setback Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type A Land Uses</td>
<td>96 m 316 ft</td>
<td>TBD</td>
</tr>
<tr>
<td>Type B Land Uses</td>
<td>192 m 631 ft</td>
<td>TBD</td>
</tr>
<tr>
<td>Nearest lot line (side or rear)</td>
<td>10 m 32 ft</td>
<td>TBD</td>
</tr>
<tr>
<td>Nearest road allowance</td>
<td>19 m 63 ft</td>
<td>TBD</td>
</tr>
</tbody>
</table>
Minimum Distance Separation II
Worksheet 1
Prepared By: Kirk Livingston, Chief Building Official, Morris Turnberry

Preparer Information
Kirk Livingston
Chief Building Official
Morris Turnberry
41342 Morris Road
Brussels, ON, Canada N0G1H0
Phone #1: 519-887-6137
Email: klivingston@morristurnberry.ca

Signature of Preparer: Kirk Livingston, Chief Building Official
Date: Sep 24, 2019

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) Formulation 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 or 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.
SECTION 4: GENERAL AGRICULTURE (AG 1)

Within this ZONE, no person shall establish any use of land or building, or erect or alter any building or structure for any purpose except in accordance with the following provisions:

4.1. PERMITTED USES

- agricultural use
- conservation
- forestry use, not including commercial forestry processing uses
- a farm produce sales outlet
- a wayside pit or quarry required by a road authority
- exploration, drilling for & production of oil & natural gas
- uses accessory to the permitted uses.

4.2. ACCESSORY USES

- home industry
- home occupation
- a mobile home accessory to an agricultural use (A mobile home may be used as a primary or supplementary residential unit provided that a supplementary mobile home shall be removed when it is no longer required in the farm operation)
- a detached dwelling, accessory to an agricultural use
- converted dwelling
- enlarged dwelling
- commercial greenhouse less than 2 acres in size
- anaerobic digester
- bed and breakfast establishment

4.3. PERMITTED STRUCTURES

- one detached residential dwelling, converted dwelling units, enlarged dwelling and/or a mobile home accessory to an agricultural use
- more than one main building per lot is allowed
- buildings and structures for the permitted uses
- other buildings and structures, not including residences, accessory to the permitted uses

4.4 ZONE REGULATIONS

4.4.1. Lot Area (minimum) - 38 hectares
- Areas of the lot zoned "Natural Environment" may be included in the calculation of the lot area.

4.4.2. Lot Frontage (minimum) - 150 metres

4.4.3. Yard Requirements (minimum):

- for buildings and structures used for livestock, poultry and fur bearing animal housing and waste storage:
  - 25m existing
  - 25m proposed
- for other permitted buildings and structures, and accessory structures:

October 21, 2014
4.4.3.2.1. front yard depth 20 metres
4.4.3.2.2. rear yard depth 7.5 metres
4.4.3.2.3. side yard depth 7.5 metres
4.4.3.2.4. exterior side yard depth 20 metres

4.4.5. **Zone Provisions for Accessory Storage Containers**
- A maximum of 3 storage containers shall be permitted
- Storage containers may only be located to the rear or interior side yard of a main building and not be visible from a street. Storage containers are not permitted in a front yard.
- Storage containers must be located a minimum of 7.5 metres from all lot lines
- Storage containers accessory to the main use shall be a maximum of 3 metres in height. Storage containers shall not be stacked.

4.5. **MINIMUM DISTANCE SEPARATION (LIVESTOCK HOUSING)**
Notwithstanding any yard and setback requirement of this by-law to the contrary, no livestock housing facility shall be established or enlarged unless it complies with the Minimum Distance Separation (MDS) Formulae.

4.6. **MINIMUM DISTANCE SEPARATION (RESIDENTIAL)**
Notwithstanding any other provision of this by-law to the contrary, for the purposes of calculating MDS II for a first or expanding livestock facility, cemeteries located within an CF Zone shall be treated as a Type A land use.

4.7 **NUTRIENT MANAGEMENT PLAN AND MANURE STORAGE REQUIREMENTS**
No livestock operation or manure storage facility shall be established or enlarged until all the manure storage requirements comply with requirements of Provincial Legislation.

4.8. **EXISTING AGRICULTURAL HOLDINGS**
Notwithstanding the provisions for Section 4.4., where an existing lot has a lesser lot area and/or frontage than required under this by-law and is developed for an agricultural use, and contains existing farm buildings and accessory structures, additional farm buildings and structures may be erected, or existing farm structures may be altered providing all other requirements of this by-law are complied with.

4.9 **NEW AGRICULTURAL HOLDINGS**
Where a new agricultural lot is created by consent, the said lot is deemed to comply with the minimum lot area and lot frontage provisions of this By-law. This provision pertains to both the severed and retained lot area.

4.10 **EXISTING FARM HOLDINGS**
Where an existing lot developed for agricultural uses, exists on the date of passage of this By-law, but does not meet the zone provisions with respect to minimum lot area and minimum lot frontage, the farm holding will be deemed to comply with the By-law with respect to the minimum lot area and minimum lot frontage provisions.

4.11. **SPECIAL ZONES**
4.11.1 AG1-1 – Morris (Northeast) Key Map
Notwithstanding the provisions of Sections 4.1 and 4.2 to the contrary, on the lands zoned AG1-1, livestock assembly, sales and transport, and accessory uses are permitted, in addition to the uses permitted in the AG1 zone. (Amended by By-law 46-2007)