

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT
AUGUST 29, 2022 @ 7:00 P.M.
VIA WEB CONFERENCING**

HOW TO JOIN

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/87617916639>

Description: Public Meeting Under the Planning Act

Or join by phone:

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

855 703 8985 (Toll Free) or 1 438 809 7799 (*long distance charges may apply*)

Webinar ID: 876 1791 6639

**PAGE
NUMBER**

CALLING TO ORDER - Chairperson Lennox

DISCLOSURE OF PECUNIARY INTEREST

- A17/22 Green Energy Dispensary Inc.

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, July 25, 2022 (A16/22)

3

Recommendation:

THAT the Committee of Adjustment meeting minutes of July 25, 2022 – A16/22 be adopted as presented.

APPLICATION

A17/22 – Green Energy Dispensary Inc.

THE LOCATION OF THE SUBJECT PROPERTY is described as Survey Crown Part Park Lot 2 and is municipally known as 141 Smith St, Arthur. The property is approximately 1,037 m² (11,162 ft²) in size. The location of the property is shown on the map attached.

6

THE PURPOSE AND EFFECT of the application is to permit two additional residential units within the existing legal non conforming single detached dwelling under Section 45 (2) (a) (ii) of the Planning Act. The existing dwelling is located within the C1 Commercial Zone. One additional dwelling unit is proposed on the second floor and another additional dwelling unit is proposed in the basement. Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on August 10, 2022.

PRESENTATIONS

Matthieu Daoust, Senior Planner, County of Wellington, Township of Wellington North

- Planning Report dated August 29, 2022

7

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Andrew Herreman, CPT, Resource Planning Technician, Grand River Conservation Authority
Email dated August 11, 2022 (No Objection)

Scott Edwards, Owner 211 Smith Street, Arthur
Email dated August 16, 2022 (No Objection)

10

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

COMMENTS/QUESTIONS FROM THE COMMITTEE

DECISION

CALL FOR VOTE: SHOW OF HANDS (no mover/seconder required)

THAT the minor variance applied for in Application A17/22, for the property described as Survey Crown Part Park Lot 2 and municipally known as 141 Smith St, Arthur, to provide the following relief;

1. **THAT under Subsection 45(2)(a)(i) of the Planning Act, R.S.O. 1990; relief be permitted to allow expansion of a legal non-conforming residential use to facilitate two additional residential units in a Central Commercial (C1) zone.**

ADJOURNMENT

Recommendation:

THAT the committee of adjustment meeting of August 29, 2022 be adjourned at _____.

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT
JULY 25, 2022 @ 7:00 P.M.
VIA WEB CONFERENCING**

Members Present:	Chairperson:	Andrew Lennox
	Members:	Lisa Hern
		Dan Yake
Member Absent:		Sherry Burke
		Steve McCabe
Staff Present:		
Interim Chief Administrative Officer/Chief Building Official:		Darren Jones
Director of Legislative Services/Clerk:		Karren Wallace
Deputy Clerk:		Catherine Conrad
Director of Finance:		Farhad Hossain
Economic Development Officer:		Dale Small
Interim Manager Programming & Community Engagement:		Mandy Jones
Director of Fire Services:		Chris Harrow
Senior Planner:		Matthieu Daoust

CALLING TO ORDER - Chairperson Lennox

Chairperson Lennox called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No pecuniary interest declared.

MINUTES OF PREVIOUS MEETING(S)

- Committee of Adjustment, June 6, 2022 (A15/22)

RESOLUTION: CoA 2022-017

Moved: Yake

Seconded: Hern

THAT the Committee of Adjustment meeting minutes of June 6, 2022 – A15/22 be adopted as presented.

CARRIED

APPLICATION

A16/22 – James Machan

THE LOCATION OF THE SUBJECT PROPERTY is described as Lots 39, 40, 41, 42; s/s Mill St., Survey Allan & Geddes, Lots 39, 40, 41; n/s Mill St., Survey Allan & Geddes, Pt George St. and Pt Mill St., Survey Allan & Geddes and is municipally known as 550 Silver Street, Mount Forest. The subject lands are approximately 0.84 ha (2.07 ac) in size.

THE PURPOSE AND EFFECT of the application is to provide relief from the minimum frontage requirements for the severed and retained parcels created by severance application B85/21. The proposed variance will permit a reduced lot frontage of 30.2 m (99.08 ft) for both severed and retained lots, whereas the by-law requires a minimum lot frontage of 30.5 m (100.06 ft). Other variances may be considered where deemed appropriate.

SECRETARY TREASURER

Notices were mailed to property owners within 60 meters of the subject property as well as the applicable agencies and posted on the subject property on July 5th 2022.

PRESENTATIONS

Matthieu Daoust, Senior Planner and Asavari Jadhav, Junior Planner, County of Wellington, Township of Wellington North

- Planning Report dated July 20, 2022

Planning Opinion:

The variance requested would provide relief from the minimum lot frontage requirements. This variance is associated with consent application B85/21, that was granted provisional approval by the Wellington County Land Division Committee. The subject lands are approximately 0.84 ha (2.07 ac) in size and has an existing dwelling and a shed.

We have no concerns with the relief requested. We are satisfied that the application maintains the general intent and purpose of the Official Plan and Zoning By-law, and would be desirable and appropriate for the development of the subject property.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Lots 39, 40, 41, 42; s/s Mill St., Survey Allan & Geddes, Lots 39, 40, 41; n/s Mill St., Survey Allan & Geddes, Pt George St. and Pt Mill St., Survey Allan & Geddes and is municipally known as 550 Silver Street, Mount Forest. The property is approximately 0.84 ha (2.07 ac) in size.

PROPOSAL

The purpose of this application is to provide relief from the minimum lot frontage requirements. This variance is associated with consent application B85/21, that was granted provisional approval by the Wellington County Land Division Committee.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is located in the Urban Center of Mount Forest and designated as FUTURE DEVELOPMENT in the County Official Plan. Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Unserviced Residential (R1A). The subject property is approximately 0.84 ha (2.07 ac) in size and has an existing dwelling and a shed. The variance requested is to satisfy a condition of severance application B85/21, that was granted provisional approval by the Wellington County Land Division Committee.

The variance requested would provide relief from Section 9.2.2 of Zoning By-law 66-01 for the severed and retained parcels created by severance application B85/21:

Regulation	Minimum Required	Proposed	Difference
Minimum lot Frontage (Section 9.2.2)			

Committee of Adjustment Minutes July 25, 2022**Page 3 of 3**

Severed and Retained parcels	30.50 m (100.0 ft)	30.20 m (99.08 ft)	0.30 m (0.92 ft)
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The variance requested is to satisfy a condition of severance application B85/21, that was granted provisional approval by the Wellington County Land Division Committee. The variance meets the general intent of the Official plan and Zoning By-law. I trust that this information will be of assistance to the Committee when making their decision on this application.

CORRESPONDENCE FOR COMMITTEE'S REVIEW

Michael Oberle, Environmental Planning Technician, Saugeen Conservation

- Letter dated November 15, 2021 in reference to Consent Application B85-21 (No Objection)

REQUEST FOR NOTICE OF DECISION

Persons wishing to be notified of the decision must submit a written request to the Secretary-Treasurer.

CHAIRPERSON OPENS FLOOR FOR ANY COMMENTS/QUESTIONS

James Machan, Applicant, was present to answer any questions regarding the application.

COMMENTS/QUESTIONS FROM THE COMMITTEE

Committee had no concerns with the application.

DECISION**CALL FOR VOTE: SHOW OF HANDS**

THAT the minor variance applied for in Application A16/22, for the property described as Lots 39, 40, 41, 42; s/s Mill St., Survey Allan & Geddes, Lots 39, 40, 41; n/s Mill St., Survey Allan & Geddes, Pt George St. and Pt Mill St., Survey Allan & Geddes and is municipally known as 550 Silver Street, Mount Forest, to provide the following relief;

1. **THAT a reduced Minimum Lot Frontage of 30.2 m (99.08 ft) be permitted, for the proposed severed and retained parcels created by severance application B84/21, whereas the By-Law requires 30.5 m (100 ft).**

APPROVED

ADJOURNMENT

RESOLUTION: CoA 2022-018

Moved: Hern

Seconded: Yake

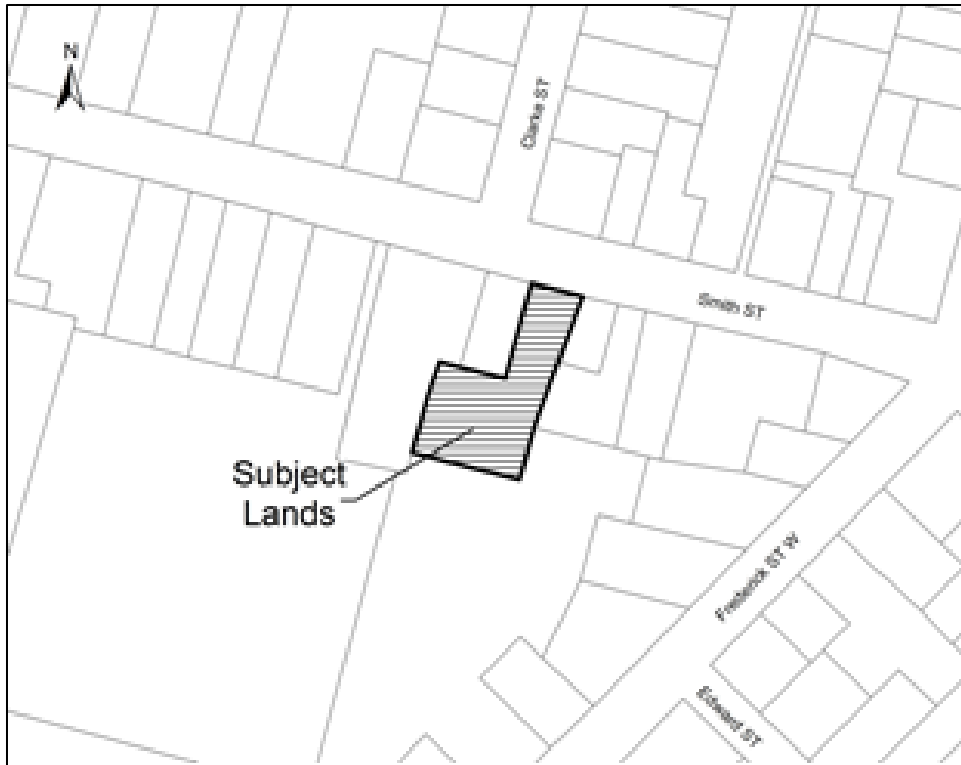
THAT the committee of adjustment meeting of July 25, 2022 be adjourned at 7:42 p.m.

CARRIED

Secretary Treasurer

Chair

GREEN ENERGY DISPENSARY INC.





COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR
TEL: (519) 837-2600
FAX: (519) 823-1694
1-800-663-0750

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH, ONTARIO
N1H 3T9

August 29th, 2022

Mr. Darren Jones, Chief Building Official
Township of Wellington North Committee of Adjustment
7490 Sideroad 7 West
Kenilworth, ON N0G 2E0

Dear Mr. Jones,

Re: **Minor Variance Application A17/22**
141 Smith St
Green Energy Dispensary Inc

We have reviewed the application for minor variance and provide the following comments:

Planning Opinion: The variance requested would permit an expansion to a legal non-conforming residential use in a commercial zone. The applicants are proposing to add two residential units to an existing single detached dwelling.

Planning Staff have no concerns with the expansion to the legal non-conforming residential use. The applicants have indicated the additional units will be a reconfiguration of the existing single detached dwelling. As such, there will be no additions to the existing home. Planning Staff note the proposed use is similar to the existing residential use on the subject lands.

SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Survey Crown Part Park Lot 2 and is Municipally known as 141 Smith St. The property is approximately 1,037 m² (11,162 ft²) in size. The location is shown on Figure 1.

PROPOSAL

The purpose of this application is to recognize an existing residential use in a commercial zone and permit two additional residential units in a single



Figure 1. 2020 Aerial photo of subject lands

detached dwelling. The addition requires relief under Subsection 45(2)(a)(i) of the Planning Act, R.S.O. 1990:

Under Subsection 45(2)(a)(i) of the Planning Act, R.S.O. 1990., relief is being requested to permit an expansion of a legal non-conforming residential use to facilitate two additional residential units in a Central Commercial (C1) zone.

WELLINGTON COUNTY OFFICIAL PLAN

The subject property is designated CENTRAL BUSINESS DISTRICT. Section 13.7 of the Plan provides consideration for minor variances provided the general intent of the Official Plan and Zoning By-law are maintained and the variance is minor and desirable for the appropriate development of the land. Consideration shall be given as to whether compliance with the by-law would be unreasonable, undesirable or would pose an undue hardship on the applicant.

Section 13.8 of the Plan indicates that non-conforming uses are legally established uses of land which do not conform to the Official Plan or Zoning By-law. Non-conforming status can impose serious hardship on a property owner and it is often appropriate to consider relief to recognize, extend or enlarge non-conforming uses in a rational manner.

Further, the Official Plan provides matters that must be considered to allow an expansion of a legal non-conforming use, including: the need for the extension, impacts, compatibility with surrounding uses, need for landscaping and screening, traffic impacts and parking, adequacy of services, and impacts on the natural environment.

TOWNSHIP OF WELLINGTON NORTH ZONING BY-LAW

The subject property is zoned Central Commercial Zone (C1). The applicant is proposing to add two accessory residential units to an existing residential use in a commercial zone.

Both the applicant and municipal staff have confirmed the property has primarily been used as a residential dwelling. Planning Staff understand that a small barber shop operated in the basement, however the main floor has not been used as a commercial use. The C1 zone permits residential uses as accessory uses to the main commercial use, generally on the main floor and above. The existing dwelling is considered a legal non conforming use. A minor variance application is required to alter the residential use.

This type of variance is slightly different from a typical variance, in that it is referenced in a different section of the Planning Act and have different tests that must be applied. Whereas a typical minor variance has four tests that must be met to approve an application, a variance for expansion of a legal non-conforming use only needs to satisfy one of the criteria below for an approval to be granted by the committee.

- 1) Is the proposal similar to the current usage of the land, building or structure?;
- 2) Is the proposal more compatible with uses permitted by the current zoning by-law?

Section 6.21c of the Zoning By-law permits the restoration of a non-conforming use provided said alterations do not alter the height, area, size or volume of the building. Planning Staff have no concerns with the proposed addition as there are no additions proposed and restoration will be limited to the reconfiguration of the existing single detached dwelling. Planning Staff note the use will remain similar to the current residential use in the single detached dwelling, and adverse impacts to neighboring properties are not anticipated.

Planning Staff note that there is proposed parking at the rear of the subject property. The provided sketch notes an easement on the neighboring property to access said parking, however this easement will need to be confirmed by the owner. A condition is recommended that an easement be provided on the adjacent property, municipally known as 171 Smith St for access to the rear parking area.

I trust that this information will be of assistance to the Committee when making their decision on this application.

Yours truly,

A handwritten signature in black ink that reads "Matthieu Daoust". The signature is written in a cursive style with a large, stylized 'D'.

Matthieu Daoust, MCIP RPP
Senior Planner

Tammy Pringle

From: Karren Wallace
Sent: August 16, 2022 2:41 PM
To: Tammy Pringle
Subject: FW: A17/22 Notice

Karren Wallace, Director Legislative Services/Clerk

Phone) 519-848-3620 ext 4227

Email) kwallace@wellington-north.com

From: scott.edwards@arnscott.com <scott.edwards@arnscott.com>
Sent: August 16, 2022 2:29 PM
To: Karren Wallace <KWallace@wellington-north.com>
Subject: A17/22 Notice

Hello Karen,

I am the owner of 211 Smith Street in Arthur, and would like to comment on the proposed change to 141 Smith Street in Arthur.

I have no issue of changing the use and utilizing the buildings to their fullest extent. I have no objections to this variance.

I do however have an objection on the way the old water pump house property was reallocated. If a fence was to be erected around the property perimeter of 141 Smith, it will impede tractor trailers from using our property. Why was I not asked for my opinion on this pc of property change-over from town to the property at 141 Smith.

Thanks for your help.

Scott Edwards
Owner, Acoustic Design Group Inc.

Arnscoff Electronics Inc

Commercial Sound & Fire Safety Products

211 Smith Street

P.O. Box 250

Arthur, Ontario

Canada N0G 1A0

Tel: 519-848-1100

Email: scott.edwards@arnscott.com

Web Site: www.arnscott.com

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