

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING AGENDA OF THE COMMITTEE OF ADJUSTMENT  
SEPTEMBER 12, 2022 @ 2:00 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/85940579499>  
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: 859 4057 9499

**PAGE  
NUMBER**

**CALLING TO ORDER - Chairperson Lennox**

**DISCLOSURE OF PECUNIARY INTEREST**

- A18/22 Rai R Suraj
- A19/22 Edgar & Lena Sauder
- A20/22 Steven Clark

**MINUTES OF PREVIOUS MEETING(S)**

- Committee of Adjustment, August 29, 2022 (A17/22) 5

Recommendation:

THAT the Committee of Adjustment meeting minutes of August 29, 2022 – A17/22 be adopted as presented.

**APPLICATION**

A18/22 – Rai R Suraj

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Plan 61M241 Lot 24 and is municipally known as 152 Walsh Street, Arthur. The property is approximately 0.05 ha (0.12 ac) in size. The location of the property is shown on the map attached. 9

**THE PURPOSE AND EFFECT** of the application is to provide relief from minimum width requirements for a proposed private garage. The proposed variance will permit a reduced width of 5.18 m (17 ft) whereas the By-law requires a minimum width of 6 m (19.6 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 August 18, 2022.

## PRESENTATIONS

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

- Planning Report dated September 6, 2022

10

## CORRESPONDENCE FOR COMMITTEE'S REVIEW

Danielle Walker, Source Protection Coordinator, Wellington Source Water Protection  
Email dated August 22, 2022 (No Objection)

Jessica Conroy, Resource Planning Technician, Grand River Conservation Authority  
Email dated September 2, 2022 (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

## COMMENTS/QUESTIONS FROM THE COMMITTEE

## DECISION

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

*THAT* the minor variance applied for in Application A18/22, for the property described as Plan 61M241 Lot 24, with a civic address of 152 Walsh Street, Arthur to provide the following relief;

1. **THAT a reduced width of 5.0 m (17 ft) be permitted, for an existing private garage to allow for an additional permanent parking space for an additional residential unit in the basement, whereas the By-law requires 6.0 m (19.6 ft).**

## APPLICATION

A19/22 – Edgar & Lena Sauder

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Part Lot 7, Concession 6 S and is municipally known as 9369 Concession 6 N. The property is approximately 19.6 ha (48.4 ac) in size. The location of the property is shown on the map attached.

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**THE PURPOSE AND EFFECT** of the application is to provide relief from Section 6.29.2c of the Zoning By-law which states that an Additional Dwelling Unit (Detached) shall be located in an accessory structure. The applicant is proposing to construct a stand alone 1,100 ft<sup>2</sup> residential dwelling. The proposed dwelling is required to meet all other accessory structure provisions of Section 6.1. 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 September 1, 2022.

## PRESENTATIONS

Matthieu Daoust, Senior Planner, County of Wellington, Township of Wellington North 13

- Planning Report dated September 12, 2022

## CORRESPONDENCE FOR COMMITTEE'S REVIEW

## 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 A19/22, for the property described as Part Lot 7, Concession 6 S, with a civic address of 9369 Concession 6 N, to provide the following relief;

1. **THAT a standalone additional dwelling unit (detached) be permitted, whereas the By-law requires an additional dwelling unit (detached) to be located in an accessory structure.**

## APPLICATION

A20/22 – Steven Clark

**THE LOCATION OF THE SUBJECT PROPERTY** is described as West Luther Concession 6 Part Lot 9; RP 61R21154 Parts 2 and 3 and Municipally known as 8920 Wellington Road 16, Damascus. The property is approximately 0.53 ha (1.30 ac) in size. The location of the property is shown on the map attached. 15

**THE PURPOSE AND EFFECT** of the application is to provide relief from the maximum height for an accessory structure. The applicants are proposing to construct a new detached garage with a height of 6.24 m (20.5 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 August 25, 2022.

## PRESENTATIONS

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

- Planning Report dated September 6, 2022

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## CORRESPONDENCE FOR COMMITTEE'S REVIEW

Andrew Herreman, Resource Planning Technician, Grand River Conservation Authority  
Email dated August 29, 2022 (No Objections)

## 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/seconded required)

*THAT* the minor variance applied for in Application A20/22, for the property described as West Luther Concession 6 Part Lot 9; RP 61R21154 Parts 2 and 3 and municipally known as 8920 Wellington Road 16, Damascus to provide the following relief;

1. **THAT an increased height of 6.24m (20.5 ft) be permitted, for a proposed detached garage, whereas the By-law allows 4.57m (15 ft).**

## ADJOURNMENT

Recommendation:

*THAT* the committee of adjustment meeting of September 12, 2022 be adjourned at \_\_\_\_\_.

**THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH  
MEETING MINUTES OF THE COMMITTEE OF ADJUSTMENT  
AUGUST 29, 2022 AT 7:00 P.M.  
HYBRID MEETING WITH IN PERSON AND VIA WEB CONFERENCING**

**Members Present:**

**Mayor:** Andrew Lennox  
**Councillors:** Sherry Burke  
Lisa Hern  
Steve McCabe  
Dan Yake

**Staff Present:**

**Interim Chief Administrative Officer/Chief Building Official:** Darren Jones  
**Interim Chief Administrative Officer/Director of Operations:** Matthew Aston  
**Director of Legislative Services/Clerk:** Karren Wallace  
**Deputy Clerk:** Catherine Conrad  
**Director of Finance:** Farhad Hossain  
**Human Resources Manager:** Amy Tollefson  
**Interim Manager Programming & Community Engagement:** Mandy Jones  
**Incoming Chief Administrative Officer:** Brooke Lambert  
**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, July 25, 2022 (A16/22)

RESOLUTION: CoA 2022-019

Moved: Burke

Seconded: Yake

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

CARRIED

**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 m<sup>2</sup> (11,162 ft<sup>2</sup>) in size.

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

Planning Opinion: The variance requested would permit an expansion to a legal 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 m<sup>2</sup> (11,162 ft<sup>2</sup>) 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 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?;  
or
- 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.

### **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)

### **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**

John Vanderwoerd, Applicant's Agent, was available to answer questions regarding the application.

## COMMENTS/QUESTIONS FROM THE COMMITTEE

Chair Lennox commented that this is a non-conforming use and asked how it would be different if they were wanting to change the footprint of the building. Mr. Daoust explained that the non-conforming section of the Zoning By-law states that an addition to the dwelling would not constitute a non-conforming use. Making the additions within the confinements of the existing home it would encapsulate the non-conforming use.

## DECISION

CALL FOR VOTE: SHOW OF HANDS

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.**

APPROVED

## ADJOURNMENT

RESOLUTION: CoA 2022-0

Moved: McCabe

Seconded: Yake

THAT the committee of adjustment meeting of August 29, 2022 be adjourned at 7:12 p.m.

CARRIED

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Secretary Treasurer

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Chair





## 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

September 6<sup>th</sup>, 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 A18/22**  
**Plan 61M241 Lot 24**  
**152 Walsh Street, Arthur**  
**Rai R Suraj**

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

**Planning Opinion:** The variance requested would provide relief from the minimum width for a private garage. The applicants are proposing to add an additional residential unit in the basement. As a result, an additional permanent parking space is required. The applicant is proposing to make use of the existing 5.0 m (17 ft) wide private garage, whereas the bylaw requires a minimum garage width of 6.0 m (19.6 ft) for both units.

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

### SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Plan 61M241 Lot 24 and is Municipally known as 152 Walsh Street, Arthur. The property is approximately 0.15 ha (0.38 ac) in size. The location of the property is shown on Figure 1.

### PROPOSAL

The purpose of this application is to provide relief from the minimum width for a private garage. The applicants are proposing to add an additional residential unit in the basement. As a result, an additional permanent parking space is required. The applicant is proposing to make use of the



Figure 1. 2015 Aerial photo of subject lands

existing 5.0 m (17 ft) wide private garage, whereas the bylaw requires a minimum garage width of 6.0 m (19.6 ft) for both units.

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated RESIDENTIAL located within the Urban Center of Arthur. 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 Residential (R2). The applicant is proposing to add an additional residential unit and requires an additional permanent parking space. The applicant is proposing to make use of the existing 5.0 m (17 ft) wide private garage and requires the following variance:

<b>Parking Regulations</b>	<b>Required Width</b>	<b>Proposed Width</b>	<b>Difference</b>
<b>Size of Parking Spaces</b> (Section 6.27.1)	6.0 m (19.6 ft)	5.0 m (17 ft)	1.0 m (2.6 ft)

The variance requested is minor and appropriate for the use of the lot. The applicant is proposing to add an additional residential unit in the basement. As a result, an additional permanent parking space is required. 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.

Yours truly,



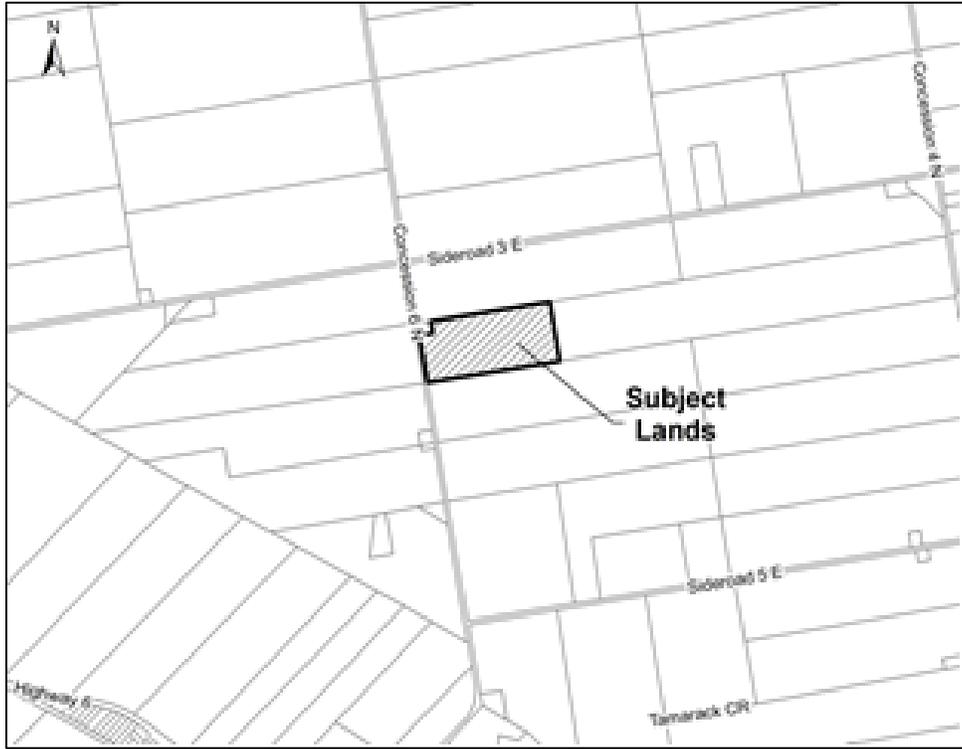
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Asavari Jadhav  
Junior Planner



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Matthieu Daoust, MCIP RPP  
Senior Planner





## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
ALDO SALIS, M.Sc., B.E.S., MCIP, RPP, DIRECTOR  
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ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

September 12<sup>th</sup>, 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 A19/22**  
**9369 Concession 6 N**  
**Edgar & Lena Sauder**

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

**Planning Opinion:** The variance requested would provide relief from Section 6.29.2c of the Zoning By-law which states that an Additional Dwelling Unit (Detached) shall be located in an accessory structure. The applicants are proposing to build a stand alone 1,100 ft<sup>2</sup> residential dwelling on the subject lands.

We have no concerns with the application as it generally maintains the intent and purpose of the Official Plan and Zoning By-law as the lands are located within an agricultural area and zoned accordingly.

### SUBJECT PROPERTY AND LOCATION

The location of the subject property is described as Part Lot 7, Concession 6 S and is municipally known as 9369 Concession 6 N. The property is approximately 19.6 ha (48.4 ac) in size has an existing dwelling and a shed. The location is shown on Figure 1.

### PROPOSAL

The purpose of this application is to provide relief from Section 6.29.2c of the Zoning By-law which states that an Additional Dwelling Unit (Detached) shall be located in an accessory structure. The applicants are proposing to build a stand alone 1,100 ft<sup>2</sup> residential dwelling on the subject lands.



Figure 1. 2020 Aerial photo

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is designated PRIME AGRICULTURAL, CORE GREENLANDS and GREENLANDS. 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 Agricultural (A) and Natural Environment (NE). Section 6.29.2 of the Zoning By-law permits an additional dwelling unit to be constructed in any zone where a single detached, semi-detached or street townhouse dwelling is permitted. The applicant is proposing to build a standalone 1,100 ft<sup>2</sup> dwelling on the subject lands. Planning staff note the proposed ADU meets all other requirements of the Section 6.29.2 and 6.1. The following relief is requested:

<b>Residential Additional Dwelling Unit (ADU)</b>	<b>Required</b>	<b>Proposed</b>
Additional Dwelling Unit (Detached) Section 6.29.2c	Located in an accessory structure	Stand alone dwelling

The variance requested is minor and appropriate for the use of the lot. 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.

Yours truly,



Matthieu Daoust, RPP MCIP  
Senior Planner





## COUNTY OF WELLINGTON

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September 6<sup>th</sup>, 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 A20/22**  
**8920 Wellington Road 16**  
**Steven Clark and Carly Clark**

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

**Planning Opinion:** The variance requested would provide relief from the maximum height for an accessory structure. The applicants are proposing to construct a new 222.96 m<sup>2</sup> (2,400 ft<sup>2</sup>) detached garage with a height of 6.24 m (20.5 ft).

We have no concerns with the requested relief and 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 West Luther Concession 6 Part Lot 9; RP 61R21154 Parts 2 and 3 and is Municipally known as 8920 Wellington Road 16, Damascus. The property is approximately 0.53 ha (1.30 ac) in size. The location is shown on Figure 1.

### PROPOSAL

The purpose of this application is to provide relief from the maximum height for an accessory structure. The applicants are proposing to construct a new 222.96 m<sup>2</sup> (2,400 ft<sup>2</sup>) detached garage with a height of 6.24 m (20.5 ft).

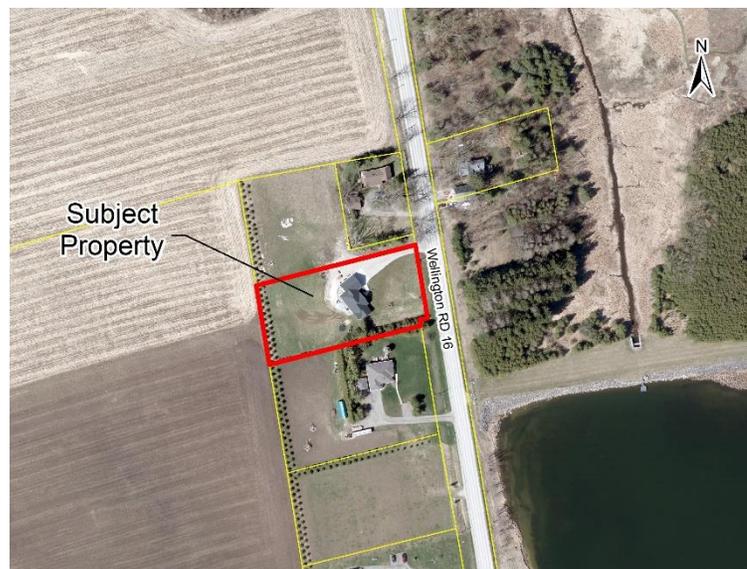


Figure 1. 2020 Aerial photo of subject lands

**WELLINGTON COUNTY OFFICIAL PLAN**

The subject property is located within the HAMLET of Damascus. 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 Residential (R1A) and Site Specific Residential (R1A-113). The applicant is proposing to construct a new detached garage within zone R1A and requires the following variance:

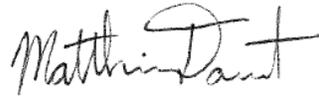
General Provisions	Permitted	Proposed	Difference
Height (Section 6.1.3 a)	4.57 m (15 ft)	6.24 m (20.5 ft)	1.67 m (5.5 ft)

The variance requested is minor and appropriate for the use of the lot. The variances meet 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.

Yours truly,



Asavari Jadhav  
Junior Planner



Matthieu Daoust, RPP MCIP  
Senior Planner