



# Township of Wellington North

P.O. Box 125 • 7490 Sideroad 7 W • Kenilworth • ON • N0G 2E0

## COMMITTEE OF ADJUSTMENT

Monday, June 14<sup>th</sup>, 2010 – 7:00 p.m.

Municipal Office Council Chambers, Kenilworth

## A G E N D A

Page 1 of 2

AGENDA ITEM	PAGE NO.
<u>Chairman</u>	
1. Officially open the public meeting.	
2. Declaration of Pecuniary Interest and General Nature Thereof.	
3. Minutes, A4-10 and A3-10 (attached)	01
<b><u>APPLICATION A4/10</u></b> (previously deferred May 17, 2010)	
<b>Applicant: Philip Green and Roxanne Caughill</b>	
THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 21, Division 2, EOSR with a civic address of 9103 Highway 6. The property is occupied by an antique store. The location of the property is shown on the key map attached.	09
THE PURPOSE AND EFFECT OF THE APPLICATION is to allow for a chip wagon and portable washroom on the property. The Hamlet Commercial Zone (C5-30) which applies to the property restricts permitted uses to one residential dwelling and one antique store (with related accessory sales and services).	
4. Secretary Treasurer – second notice mailed to surrounding property owners and required agencies on May 27 <sup>th</sup> , 2010 as well as posted on the property.	

**Committee of Adjustment Agenda  
June 14th, 2010**

<b>AGENDA ITEM</b>	<b>PAGE NO.</b>
5. Township Planner – Mark Van Patter will review the County comments (attached).	10
6. Correspondence/Comments received: <ul style="list-style-type: none"><li data-bbox="435 667 1101 741">- Liz Yerex, Grand River Conservation Authority – no objection</li><li data-bbox="435 779 906 852">- Ministry of Transportation – request to defer application</li></ul>	12  13
7. Are there any persons present who wish to make oral and/or written submissions in support of the proposed minor variance?  Are there any persons present who wish to make oral and/or written submissions against this application?  Those wishing to be notified of decision please leave name and address with secretary-treasurer.  Committee: <ul style="list-style-type: none"><li data-bbox="435 1325 808 1356">- Comments and questions</li></ul>	
8. Adjournment.	

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A4/10 and A3/10**

The Committee of Adjustment met on Monday, May 17, 2010 at the Kenilworth Municipal Office, at 7:30 p.m.

**Members Present: Chairman: Mike Broomhead  
Ross Chaulk  
Bob Mason  
John Matusinec  
Dan Yake**

**Also Present: Alt. Secretary-Treasurer, Lorraine Heinbuch  
Executive Asst., Cathy Conrad  
Township Planner, Mark Van Patter**

1. The Chairman called the meeting to order.

2. **Disclosure of Pecuniary Interest and General Nature Thereof**

None

3. Minutes

**Moved by: Councillor Mason  
Seconded by: Councillor Matusinec**

***THAT the Committee of Adjustment meeting minutes of April 19, 2010 – A3/10 be adopted as presented.***

**Resolution No. 1**

**Carried**

The public meeting was held to consider Minor Variance Applications A4/10 and A3/10 pursuant to Section 45 of the Planning Act R.S.O. 1990 as amended.

# TOWNSHIP OF WELLINGTON NORTH

## COMMITTEE OF ADJUSTMENT

**A4/10 and A3/10**

**Page Two**

### **APPLICATION A4/10**

**Applicant: Philip Green and Roxanne Caughill**

THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 21, Division 2, EOSR with a civic address of 9103 Highway 6. The property is occupied by an antique store.

THE PURPOSE AND EFFECT OF THE APPLICATION is to allow for a chip wagon and portable washroom on the property. The Hamlet Commercial Zone (C5-30) which applies to the property restricts permitted uses to one residential dwelling and one antique store (with related accessory sales and services).

4. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on May 4<sup>th</sup>, 2010 as well as posted on the property.
5. Township Planner – Mark Van Patter reviewed the County comments dated May 11, 2010 provided by Sarah Wilhelm, Planner.

The Planning department had no concerns with the relief requested; however, recommended that approval be subject to the condition that the variance applies only to permit development of the site substantially in accordance with the plan dated April 23, 2010 drawn by Roxanne Caughill, including the provision of the buffer strips shown along the property boundaries.

The subject property is designated Hamlet (Kenilworth) and Prime Agricultural in the Wellington County Official Plan. With respect to the Hamlet Boundary, Section 14.2 of the Official Plan states “To ensure the public interest and to prevent undue hardship, flexibility may be used to allow minor deviations from the text or map. This flexibility is to be exercised keeping in mind the intent of this Plan and sound community planning principles.” The Planning Department is satisfied that such flexibility is warranted in this situation as the full extent of the property is within a commercial zone and as such, would consider the entire property to form part of the Hamlet. Local commercial uses may be permitted in Hamlets where compatible and where adequate levels of service can be provided. 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

## COMMITTEE OF ADJUSTMENT

A4/10 and A3/10

### Page Three

Under the Wellington North Zoning By-law the subject lands are zoned Hamlet Commercial Site-Specific (C5-30) and permit one residential building and one antique store and related accessory sales and service. The applicants are proposing to establish a chip wagon on the property. The sketch submitted in support of the application (dated April 23, 2010) shows the location of the chip wagon and buffering along the north, south and east property lines. At 220 sq. ft. in size the chip wagon would be considered small scale. The placement of the chip wagon on the property back from the road and the proposed buffering along the property lines would appear to mitigate any compatibility issues with surrounding uses.

Ms. Wilhelm discussed the inclusion of a portable washroom with the applicant. Washroom facilities are not required for either the antique store or the chip wagon. As there are no washrooms accessible to the travelling public in Kenilworth, other than patrons of the Kenilworth Country Kitchen, the applicants wish to provide one as a courtesy during the summer months. This seasonal, temporary use does not require a minor variance.

Mr. Van Patter stated that comments have not been received from the Ministry of Transportation. The applicant should check with the Township about proper licensing of the chip wagon.

6. Correspondence/Comments received:

GRCA  
- no objections

7. Questions/Comments

Persons present who wish to make oral and/or written submissions in support of the proposed minor variance?

The applicants were present to answer questions regarding the application.

Persons present who wish to make oral and/or written submissions against this application?

# TOWNSHIP OF WELLINGTON NORTH

## COMMITTEE OF ADJUSTMENT

### **A4/10 and A3/10**

#### Page Four

Jim Quarrie, owner of the property at the south side of where the chip wagon would be placed. Mr. Quarrie expressed concerns with parking, possibly along the highway, as traffic crossing Highway 6 at Sideroad 7 would have visibility further hindered by cars parked on the shoulders. He asked if the chip wagon would be portable or permanent, if there would be tables outside, how garbage would be contained and how the chip wagon would enhance Kenilworth.

Lorna Wilson, owner of Kenilworth Country Kitchen, presented a petition against the application. Last year there were problems with customers from the antique store coming to the restaurant to use the washroom. Ms. Wilson expressed concerns regarding traffic on the highway and traffic trying to cross the highway, especially on the weekends. Ms. Wilson stated that when the restaurant was opened she had to put in a septic system and she must continue to have water tested monthly and asked if these issues should be looked at in regards to this application.

Sherri Draper, 7543 Sideroad 7 E., also expressed concerns regarding traffic and how hard it can be to cross the highway due to visibility.

Brad Lehman, Concession 7, asked if there is a well on the property and had concerns regarding overall hygiene. He asked if the conditions of the application could include water.

Roxanne Caughill, applicant, spoke with Phil Gagnon from the Ministry of Transportation regarding the application. Mr. Gagnon had suggested that if the chip wagon was located to the rear of the property it should not be a problem. The portable washroom is being installed to help alleviate problems with their customers going to the restaurant. The chip wagon is currently located in Arthur; but the owner would like to move. There are a couple of tables that are placed in front of the add on to the chip wagon. She has told the owner it must be kept clean. The health unit does inspect the chip wagon. There are garbage containers and they will clean up any garbage left. Ms. Caughill has made arrangements with the neighbour for a hose to provide water or she will provide a tank if necessary. The chip wagon will be used seasonally and will be closed in the winter. If the chip wagon needs to be moved back further they will move it. The applicant's reasoning for the chip wagon is that they don't want to feed people and this would provide a service for their customers. Parents wanting to look at antiques could occupy their teenagers by giving them something to eat. Neither the chip wagon nor the antique store is required to have a portable washroom.

# TOWNSHIP OF WELLINGTON NORTH

## COMMITTEE OF ADJUSTMENT

A4/10 and A3/10

### Page Five

Those wishing to be notified of the decision were asked leave their name and address with the secretary-treasurer.

#### Committee - Comments and Questions

Councillor Chaulk expressed concerns with traffic and related problems. He questioned being able to run a hose from the neighbour's property for water and commented that another area food stand business closed because they were not allowed to provide water in that manner.

Councillor Matusinec agreed that traffic is the biggest concern. The Ministry of Transportation raised concerns when the property was rezoned to allow the antique store. Councillor Matusinec felt a decision should not be made until they receive comments from the MTO. Water issues would be addressed by the health unit. Councillor Matusinec asked about advertising for the chip wagon. Ms. Caughill stated that the MTO has said they are allowed to have a sandwich board to advertise both the antique store and the chip wagon. Councillor Matusinec asked about the possibility of a temporary use allowing the chip wagon. Mr. Van Patter commented that temporary use is something usually dealt with through a zoning amendment not a minor variance.

Councillor Mason questioned if a site plan would be needed. Mr. Van Patter stated that site plan approval would not be required by the Township for this use.

Mayor Broomhead stated that the petition presented would be taken into consideration. Water and septic requirements would need to be checked with the health unit. Council needs to receive comments from MTO before giving consideration to the application as parking and traffic are major issues.

Mark Van Patter recommended that Council not make a decision until MTO responds as they were fairly rigid with comments at the time of rezoning. Water and septic issues also need to be sorted out.

**Moved by: Councillor Chaulk**

**Seconded by: Councillor Mason**

*That the minor variance applied for in Application A4/10 be deferred*

**Resolution No. 2**

**Carried**

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A4/10 and A3/10**

**Page Six**

**APPLICATION A3/10**

**Applicant: Abner B. Wideman and Adeline Wideman**

**THE LOCATION OF THE SUBJECT PROPERTY** is described as Part Lot 3, Concession 6 with a civic address of 9545 Concession 6 N. The property is occupied by a farm equipment sales and service business

**THE PURPOSE AND EFFECT OF THE APPLICATION** is to provide relief from the required rear yard and interior side yard setbacks to a utility shed. The applicants are proposing to construct a new 1114 sq.m (12,000 sq.ft.) shed and the variances are required in order to facilitate this. The variance may also address regulations dealing with any other site regulations deemed appropriate.

8. The Alt. Secretary-Treasurer confirmed that notice was mailed to surrounding property owners and required agencies on March 7, 2010 as well as posted on the subject property.
  
9. Mark Van Patter, Township Planner, County of Wellington

Mr. Van Patter reviewed additional correspondence dated May 12, 2010 from Linda Redmond, Planner.

The application had been deferred at the April 19, 2010 hearing to allow the applicant an opportunity to provide more information. On April 24, 2010 staff met with Mr. Wideman and his agent, Mr. Fulcher, to discuss the proposal. The owner advised that the reduced setbacks are needed in order to provide an appropriate distance between the proposed building and the existing building. The owner also advised that the two buildings will function together and are needed in close proximity to each other. The additional lands that are being considered through the consent process are proposed for the display of the farm equipment. Based on this information planning staff is satisfied that the variances as requested are minor.



**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A4/10 and A3/10**

**Page Seven**

10. Correspondence/Comments received from:

Bruce Fulcher, Applicants Agent  
- Supported application

Saugeen Conservation Authority  
- No objection

11. Questions/Comments

The applicant and his agent were present to answer any questions or address comments.

Written submissions in support of the proposed minor variance were presented to the committee from the following:

- Brad and Michele Ghent, Alette Holsteins, 6531 Concession 6 N
- Leonard Wideman, Part Lot 3, Concession 6
- Laverne Weber, 9513 Concession 6 N

No one was present to make oral and/or written submissions against this application.

Those wishing to be notified of the decision were asked to leave their name and address with alternate secretary-treasurer.

**Moved by: Councillor Matusinec**

**Seconded by: Councillor Yake**

***That the minor variance applied for in Application A3/10 be authorized.***

**Resolution No. 3**

**Carried**

**TOWNSHIP OF WELLINGTON NORTH**

**COMMITTEE OF ADJUSTMENT**

**A4/10 and A3/10**

**Page Eight**

12. Adjournment

**Moved by: Councillor Chaulk**

**Seconded by: Councillor Mason**

*That the Committee of Adjustment meeting of April 19, 2010 be adjourned.*

**Resolution No. 4**

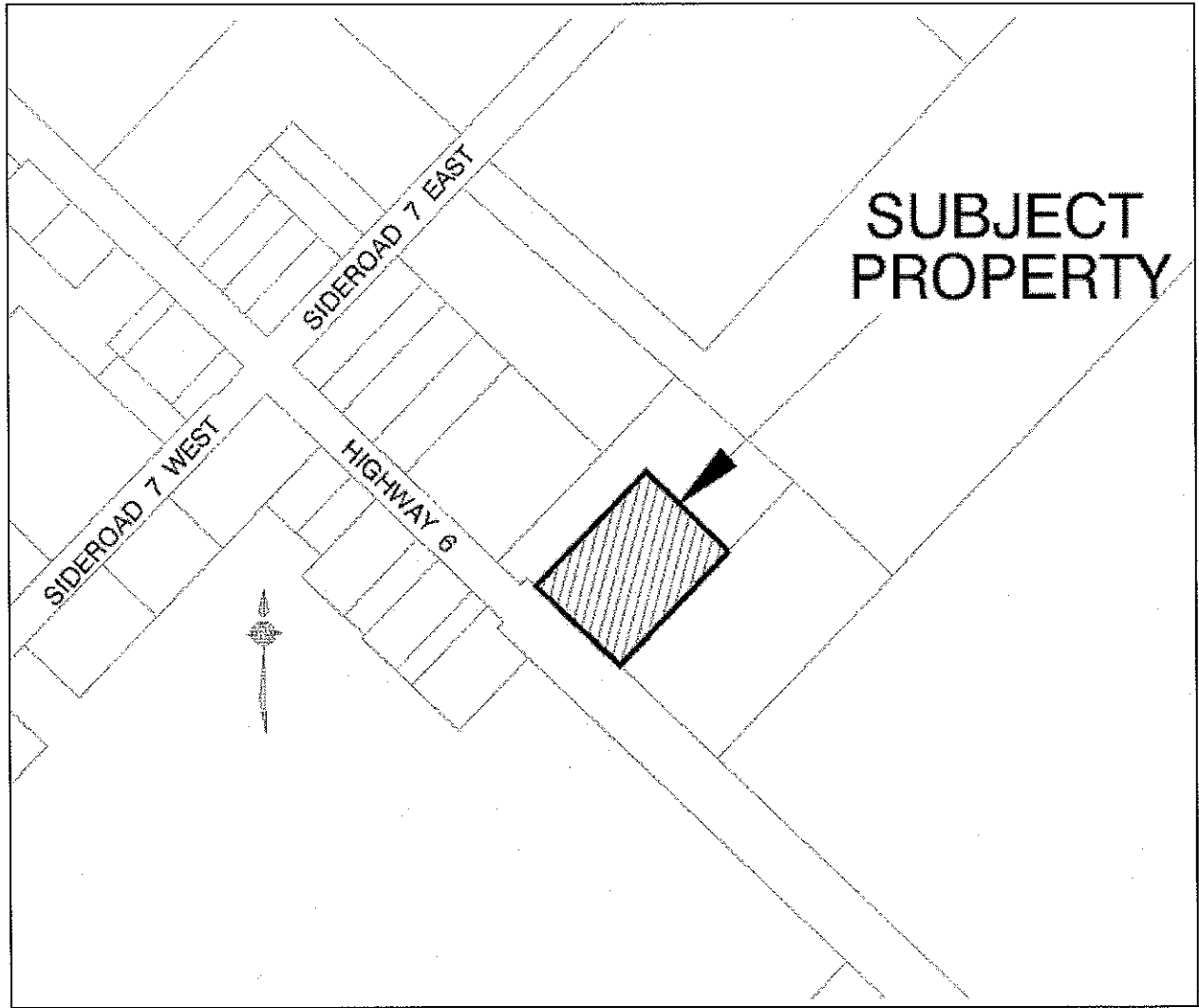
**Carried**

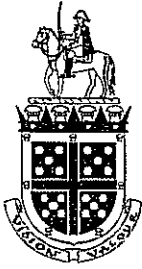
---

Alt. Secretary Treasurer

---

Chairman





## COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT  
GARY A. COUSINS, M.C.I.P., DIRECTOR  
TEL: (519) 837-2600  
FAX: (519) 823-1694  
1-800-663-0750

ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

May 11, 2010

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

Dear Mr. Jones,

**Re:** Minor Variance Application A4/10  
Part Lot 21, Division 2, EOSR  
9103 Highway 6, Wellington North  
Green/Caughill

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

**Planning Opinion:** The variance requested would provide for a chip wagon to be established on the property. We have no concerns with the relief requested at this time. If this application is approved by the Committee we would recommend that the approval be subject to the following condition:

*That the variance applies only to permit development of the site substantially in accordance with the plan dated April 23, 2010 drawn by Roxanne Caughill, this also includes the provision of the buffer strips shown along the property boundaries.*

**Wellington County Official Plan:** The subject property is designated HAMLET (Kenilworth) and PRIME AGRICULTURAL. With respect to the Hamlet boundary, Section 14.2 of the Official Plan states "To ensure the public interest and to prevent undue hardship flexibility may be used to allow minor deviations from the text or map. This flexibility is to be exercised keeping in mind the intent of this Plan and sound community planning principles." We are satisfied that such flexibility is warranted in this situation as the full extent of the property is within a commercial zone and as such, would consider the entire property to form part of the Hamlet. Local commercial uses may be permitted in Hamlets where compatible and where adequate levels of service can be provided.

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.

**Wellington North Zoning By-law:** The subject lands are zoned Hamlet Commercial Site-Specific (C5-30) which permits the following uses:

- one residential dwelling; and
- one antique store, and related accessory sales and service.

The applicants are proposing to establish a chip wagon on the property. The sketch submitted in support of the application (dated April 23, 2010) shows the location of the chip wagon and buffering along the north, south and east property lines. At 220 sq. ft. in size, the chip wagon would be considered small scale. The placement of the chip wagon on the property back from the road and the proposed buffering along the property lines would appear to mitigate any compatibility issues with surrounding uses.

A portable washroom was included as part of the minor variance request. I discussed this aspect of the application with Ms. Caughill. It is my understanding that washroom facilities are not required for either the antique store or the chip wagon. As there are no washrooms accessible to the travelling public in Kenilworth other than for patrons of the Kenilworth Country Kitchen, the applicants wish to provide one as a courtesy during the summer months. This seasonal, temporary use does not require a minor variance.

**SITE PLAN**

It is my understanding that site plan approval would not be required by the Township for this use.

I trust that these comments will be of assistance to the Committee in their consideration of this matter.

Yours truly,



Sarah Wilhelm, MCIP, RPP  
Planner



400 Clyde Road, P.O. Box 729 Cambridge, ON N1R 5W6

Phone: 519.621.2761 Toll free: 866.900.4722 Fax: 519.621.4844 Online: www.grandriver.ca

PLAN REVIEW REPORT: Township of Wellington North  
Darren Jones, Building Zoning

DATE: MAY 17, 2010 YOUR FILE: A4/10  
GRCA FILE: Wellington/Well N/MV/NC

RE: Application for Minor Variance  
Lot 21, Div. 2, EOSR, 9103 Highway 6, Township of Wellington North

GRCA COMMENT: \*

The Grand River Conservation Authority has no objection to the proposal to allow for a chip wagon and portable washroom on the property

BACKGROUND:

- 1. Resource Issues:  
No resource issues identified.
- 2. Legislative/Policy Requirements and Implications:  
None
- 3. Additional Information/Suggestions provided in an advisory capacity:  
None

Liz Yépez  
Resource Planner  
Resource Management Division

\* *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*



**Darren Jones**

---

**From:** Smyth, Ian (MTO) [Ian.C.Smyth@ontario.ca]  
**Sent:** Friday, June 11, 2010 10:53 AM  
**To:** Darren Jones  
**Cc:** Gignac, Phil (MTO)  
**Subject:** Kenilworth Chip Wagon - Application A4-10  
**Attachments:** A4-10 Kenilworth Response \_June 11, 2010\_.pdf

Darren,

Please see the attached letter. We are requesting a deferral of this application.

Ian Smyth  
Corridor Management Planner

**Ministry of Transportation**

Engineering Office  
Corridor Management Section  
West Region

659 Exeter Road  
London, Ontario N6E 1L3  
Telephone: (519) 873-4598  
Facsimile: (519) 873-4228

**Ministère des Transports**

Bureau du génie  
Section de gestion des couloirs routiers  
Région de l'Ouest

659, chemin Exeter  
London (Ontario) N6E 1L3  
Téléphone: (519) 873-4598  
Télécopieur: (519) 873-4228



June 11, 2010

by email ([djones@wellington-north.com](mailto:djones@wellington-north.com)) & mail

The Township of Wellington North  
Building/Zoning Department  
7490 Sideroad 7 West  
Kenilworth, Ontario  
N0G 2E0

Attn: Darren Jones

**RE:** Applicant: Philip Green, Roxanne Caughill  
Submission No.: A4/10  
Lot: 21, DIV 2, Concession: EOSR  
County of Wellington  
Township of Wellington North - Highway 6

---

The ministry has completed its review of the above noted minor variance application. The application has been considered and reviewed in accordance with the requirements of our highway access control policies and the Public Transportation and Highway Improvement Act. The following outlines our comments.

On April 20, 2009 we provided comments on a zoning amendment application for this property. We were concerned with the potential traffic problems that could be created by allowing more than an antique store and a residence on the property and requested that the property be restricted to those allowable uses only. It seems that, through this application, the owners are again trying to increase the number of uses that will be permitted on the site.

Building/land use, sign and entrance permits are required from the ministry for the establishment of a chip wagon on the property. A chip wagon has the potential of generating significant volumes of traffic in and out of the property, particularly in the summer months. People stopping at such an establishment have a tendency to park on the shoulder of the highway rather than entering the property to park. This creates safety risks to other vehicles on the highway and, as well, people exiting the property onto the highway due to reduced visibility created by parked vehicles. We are therefore requesting that this application be deferred until such time as the ministry has had an opportunity to review a site plan, to be provided by the owners, identifying the location of the proposed chip wagon and the amount of parking that will be available on site. The site must have sufficient parking for the antique store and the proposed chip wagon. The owners should be aware that the ministry's minimum setback for a chip wagon is 14.0m from the highway property limit.

Should you have any questions, please contact our office.

Corridor Management Planner  
Corridor Management Section  
West Region, London