



Township of Wellington North

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

COMMITTEE OF ADJUSTMENT

Monday, June 28th, 2010 – 7:15 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 (attached)	01
<u>APPLICATION A5/10</u>	
Applicant: Wayne Edward O'Neill and Darlene Alice Craig	
THE LOCATION OF THE SUBJECT PROPERTY is described as Part Lot 35 & 36, Clarke's Survey, with a civic address of 229 Tucker Street. The property is occupied by one half of a semi-detached dwelling. The location of the property is shown on the map attached.	05
THE PURPOSE AND EFFECT OF THE APPLICATION is to provide relief from the required lot frontage and interior side yard setback. The subject lands received provisional approval in May 2010 to sever the parcel in half creating a vacant residential parcel. This application is required as a condition of this consent application B69/10.	
5. Secretary Treasurer – notice mailed to surrounding property owners and required agencies on May 4 th , 2010 as well as posted on the property.	
6. Township Planner – Linda Redmond will review the County comments (attached).	06

AGENDA ITEM	PAGE NO.
7. Correspondence/Comments received: <ul style="list-style-type: none">- Liz Yerex, Resource Planner, GRCA- No objection	07
8. 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">- Comments and questions	
9. Adjournment.	

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

JUNE 14, 2010 - A4/10

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 27th, 2010 as well as posted on the property.
5. Township Planner – Mark Van Patter reviewed the County comments dated June 14, 2010.

Two letters have been received from the Ministry of Transportation. The first letter requested a deferral until the Ministry had an opportunity to review a site plan. The second letter indicated that they are now satisfied with the proposal. The applicant will be required to obtain permits for building/land use, signage and entrance.

No additional information has come forward from the Health Unit. The chip wagon will have to meet the requirements of the Health Unit before a permit is issued.

Mr. Van Patter commented that chip wagons are normally dealt with through licensing, provided the zone they are locating in permits restaurants. Wellington North has an annual licensing fee of \$75.00. Mr. Van Patter noted that the property kitty-corner to the Kenilworth Country Restaurant is zoned Hamlet Commercial (C5) and would permit a chip wagon, provided licensing requirements are met. This proposal could be considered as a relocation of an existing use, from one urban area to another, given the chip wagon's presence for several years in Arthur Village.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

JUNE 14, 2010 - A4/10

Page Three

6. Correspondence/Comments received:

- Liz Yerex, Grand River Conservation Authority
- no objection
- Ministry of Transportation
- request to defer application
- Ministry of Transportation
- no further concerns
- Kenilworth Country Kitchen
- additional petitions against the proposed minor variance were received from Kenilworth Country Kitchen.

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. Ms. Caughill informed the committee that they had received a letter from MTO stating that the Ministry has no further concerns. There is plenty of parking available on site.

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

Lorna Wilson, Kenilworth Country Kitchen, stated that the neighbours providing water to the chip wagon would be liable should someone get sick from it and must have insurance in that regard.

Mr. Van Patter commented that the Health Unit would have to give approval before the chip wagon could be licensed and would look at this issue.

Mr. Green informed the Committee that the water is not being used in food preparation or for drinking. It will only be used for washing. The owner of the chip wagon will be using municipal water from Arthur; which they will bring with them.

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

JUNE 14, 2010 - A4/10

Page Four

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 at this point declared a conflict of interest as he had signed a petition against this application and did not vote on the decision.

Councillor Matusinec asked if there was a way to ensure that Health Unit approval is needed and if this could be on a one year trial basis.

Lorraine Heinbuch, CAO/Clerk, informed Councillor Matusinec that Health Unit approval is needed for a refreshment cart licence and that the licence must be renewed annually.

Moved by: Councillor Matusinec

Seconded by: Councillor Yake

That the minor variance applied for in Application A4/10 be authorized.

Resolution No. 2

Carried

8. Adjournment

Moved by: Councillor Matusinec

Seconded by: Councillor Yake

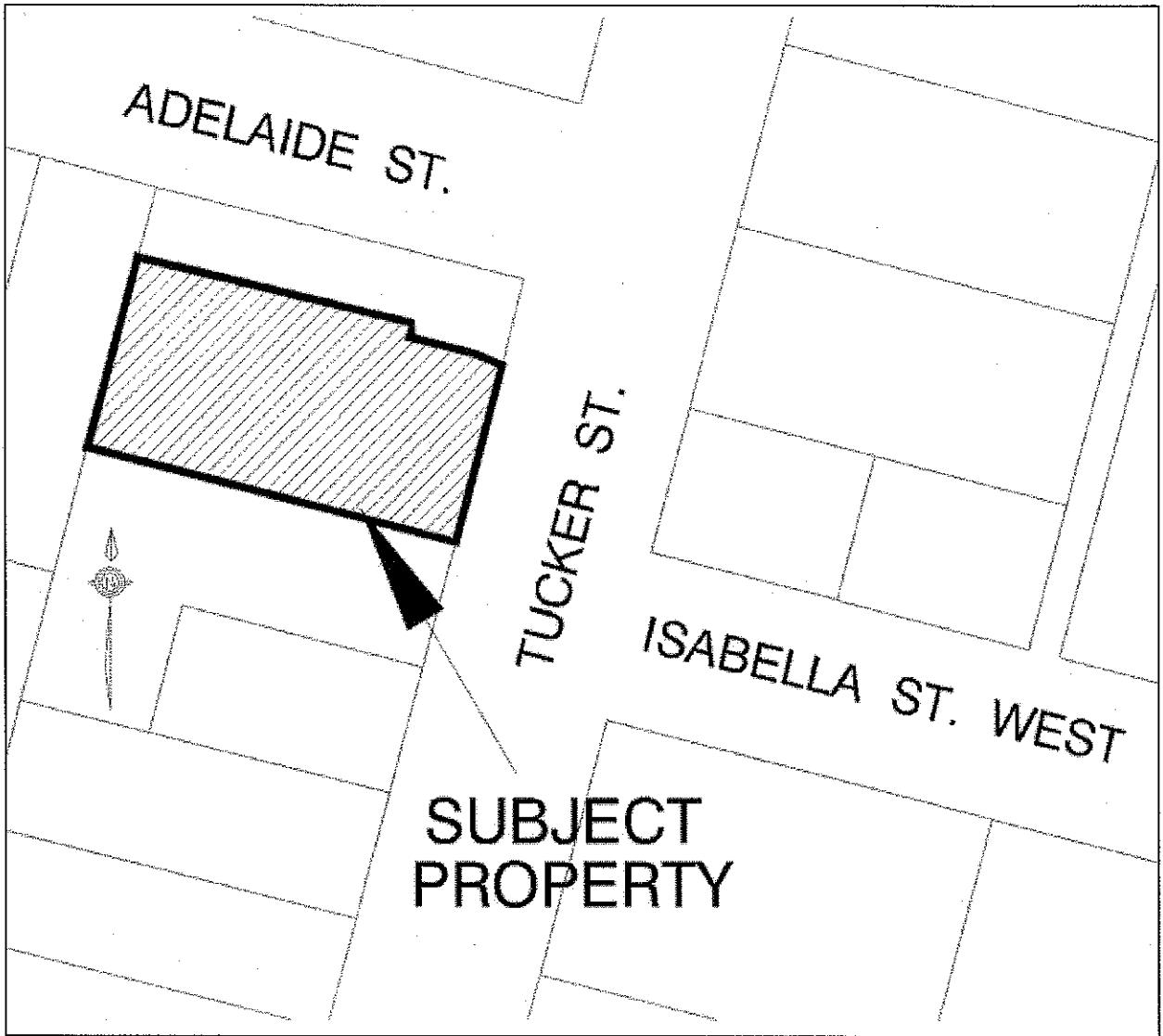
That the Committee of Adjustment meeting of June 14, 2010 be adjourned.

Resolution No. 3

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

June 23, 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 A5/10**
229 Tucker Street
Part Lot 35 & 36, Clarke's Survey
O'Neill/Craig

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

Planning Opinion: The application would provide relief from the minimum lot frontage for the existing dwelling and the proposed lot. The variance is required as a result of the subject lands being severed.

We have no concerns with this application. The relief requested is minor in nature. The 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.

Wellington County Official Plan: The subject property is designated RESIDENTIAL, in the Arthur Urban Centre. 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 R1C (Residential). The property was recently severed to create a vacant residential lot. The severance has created a deficiency in the lot frontage for the existing dwelling (semi) and the proposed vacant parcel. The following relief is requested:

1. Parcel B - a minimum frontage of 9 m (30 ft), whereas the by-law requires a 15m (49.2 ft).
2. Parcel C - a minimum frontage 13.7 m (45 ft), whereas the by-law requires a 15 m (49.2 ft).

I trust that these comments will be of assistance to the Committee.

Yours truly,

Linda Redmond, B.A.
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
Barren Creek Banding/Zoning Dept.

DATE: JUNE 22, 2010 **YOUR FILE:** A5/10
GRCA FILE: Wellington/Well N/MV/NC

RE: Application for Minor Variance
229 Tucker Street, Arthur

GRCA COMMENT: *

The Grand River Conservation Authority has no objection to the application to provide relief from the required lot frontage and interior side yard setback.

BACKGROUND:

- 1. **Resource Issues:**
None identified
- 2. **Legislative/Policy Requirements and Implications:**
None
- 3. **Additional Information/Suggestions provided in an advisory capacity:**
None


Liz Yerey
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.*

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