

TOWNSHIP OF WELLINGTON NORTH

PUBLIC MEETING - MINUTES

Monday, October 17, 2011

The Public Meeting was held Monday, October 17, 2011 at 7:00 p.m. at the Township of Wellington North Council Chambers, Kenilworth to consider a Zoning Amendment application.

Present:

Mayor: Raymond Tout
Councillors: Sherry Burke
Mark Goetz
Andy Lennox
Dan Yake

Also Present:

C.A.O./Clerk: Lorraine Heinbuch
Executive Assistant: Cathy Conrad
Township Planner: Mark Van Patter

Mayor Tout called the meeting to order.

Declaration of Pecuniary Interest:

None declared.

Owner: Ed O'Neill and Darlene Craig

THE LOCATION OF THE SUBJECT LAND is described as 111 Frederick Street West, Arthur Village. The property is approximately 19,000 sq. ft. in area.

THE PURPOSE AND EFFECT THE PURPOSE AND EFFECT of the amendment is to replace the ground floor commercial unit with another residential apartment. Currently, there are three other residential units, in what was originally, a large residential dwelling. The zoning amendment may also address site specific regulations for the development such as appropriate yard setbacks, the retention of the commercial component, and allowance for an oversized accessory building.

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Please note – Section 34 (12) of the Planning Act.

Information – At a meeting under subsection (12), the council shall ensure that information is made available to the public regarding the power of the Municipal Board under subsection (14.1) to dismiss an appeal if an appellant has not provided the council with oral submissions at a public meeting or written submissions before a By-law is passed.

1. Notice for this public meeting was sent to property owners within 120m and required agencies and posted on the property on September 27, 2011.

2. Presentations by:

Mark Van Patter, Planner, reviewed his correspondence dated October 13, 2011.

The Planning Department had no concerns with the proposal to amend the zoning of the property to permit the entire ground floor to be used for residential purposes. At the same time we have maintained the parcel in the Central Commercial zone, with commercial uses still permitted. The Official Plan provides for recognition of legally established non-conforming uses through rezoning. Given the large size of the property, 20,650 sq. ft., and the mixed surrounding uses, we have no concerns with increasing the accessory building size.

The subject land is located at 111 Frederick Street West. It is on the south side of the street and the third lot in from George Street. The property is irregularly shaped with a dog-leg on its west side. It has a frontage of 73 feet and a depth of 232.1 feet. The approximate size is 20,650 square feet. Most of the neighbouring uses are residential.

The applicant has applied to amend the zoning to recognize an existing legal non-conforming use. The dwelling was originally constructed as a single detached dwelling. Over the years it has had some commercial usage of the ground floor as well as apartments. The zoning amendment would permit use of the entire ground floor for residential use and at the same time, still allow for commercial use in the future.

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Under the Wellington County Official Plan the property is designated CENTRAL BUSINESS DISTRICT in the Arthur Urban Centre. This designation permits a variety of retail, office, service, administrative, religious, cultural and entertainment uses. Residential uses may be permitted within this designation provided that retail, office or service commercial uses are located at street level. Section 13.8 of the Plan, Non-Conforming uses, states that “*a legally established use which does not conform with the policies of an Official Plan may be recognized as a permitted use in the Zoning By-law in accordance with its current use and performance standards*”. Mr. Van Patter was of the opinion that the proposal meets the general intent of the Official Plan policies.

The property is currently zoned Central Commercial (C1). A zoning by-law amendment is required to allow the entire ground floor to be used for residential apartments, contrary to Section 16.3 (b).

It was noted that there was a letter of concern from Vanny Kev (October 5) wanting to see the area develop for commercial uses. The property is being kept in a Central Commercial Exception zone that would also allow commercial uses. This is a very similar situation to 131 Frederick Street, a little further west, which was rezoned in 2004 to C1-27.

The draft zoning by-law amendment includes a provision requiring that the use of the building for a residence must comply with the zone requirements of the R2 zone. This would ensure that any alterations or expansions would be in keeping with a residential use (i.e. fourplex).

While not included in the application, the applicant's have requested relief from Section 6.1.4(ii) which limits accessory buildings to 1,000 sq. ft. in a residential zone. The applicant's are proposing an accessory building of 1,600 sq. ft. This allowance has been included in the draft by-law.

3. Review of Correspondence received by the Township:

- Liz Yerex, Resource Planner, GRCA
 - No objection

- Vanny Kev, 122 George Street, Arthur
 - Against the Amendment

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4. The by-law will be considered at the regular Council Meeting following the Public Meeting. Mayor Tout asked those wishing to receive further notices regarding this application to make their request in writing.

5. Mayor Tout opened the floor for any questions/comments.

The Owner was present to answer any questions

Mr. O'Neill explained that the property was known as a 4 unit residential apartment when he bought the property 6 years ago. He discovered a zoning amendment was required when he spoke to the Township's CBO regarding a major renovation.

6. Comments/questions from Council.

Councillor Lennox inquired if this would be a two step process for the zoning amendment and variance for the larger accessory structure.

Mr. Van Patter explained that the relief for the accessory building would be included in the zoning amendment.

Councillor Burke asked about the use of the accessory building

Mr. O'Neill explained that the building will be a two bay storage building for some equipment and an RV.

7. Adjournment 7:10 p.m.

C.A.O./CLERK

MAYOR