

TOWNSHIP OF WELLINGTON NORTH

COMMITTEE OF ADJUSTMENT

JUNE 14, 2010 - A4/10

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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.

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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.

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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