



Township of Wellington North

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

PUBLIC MEETING

Monday, October 17, 2011 at 7:00 p.m.

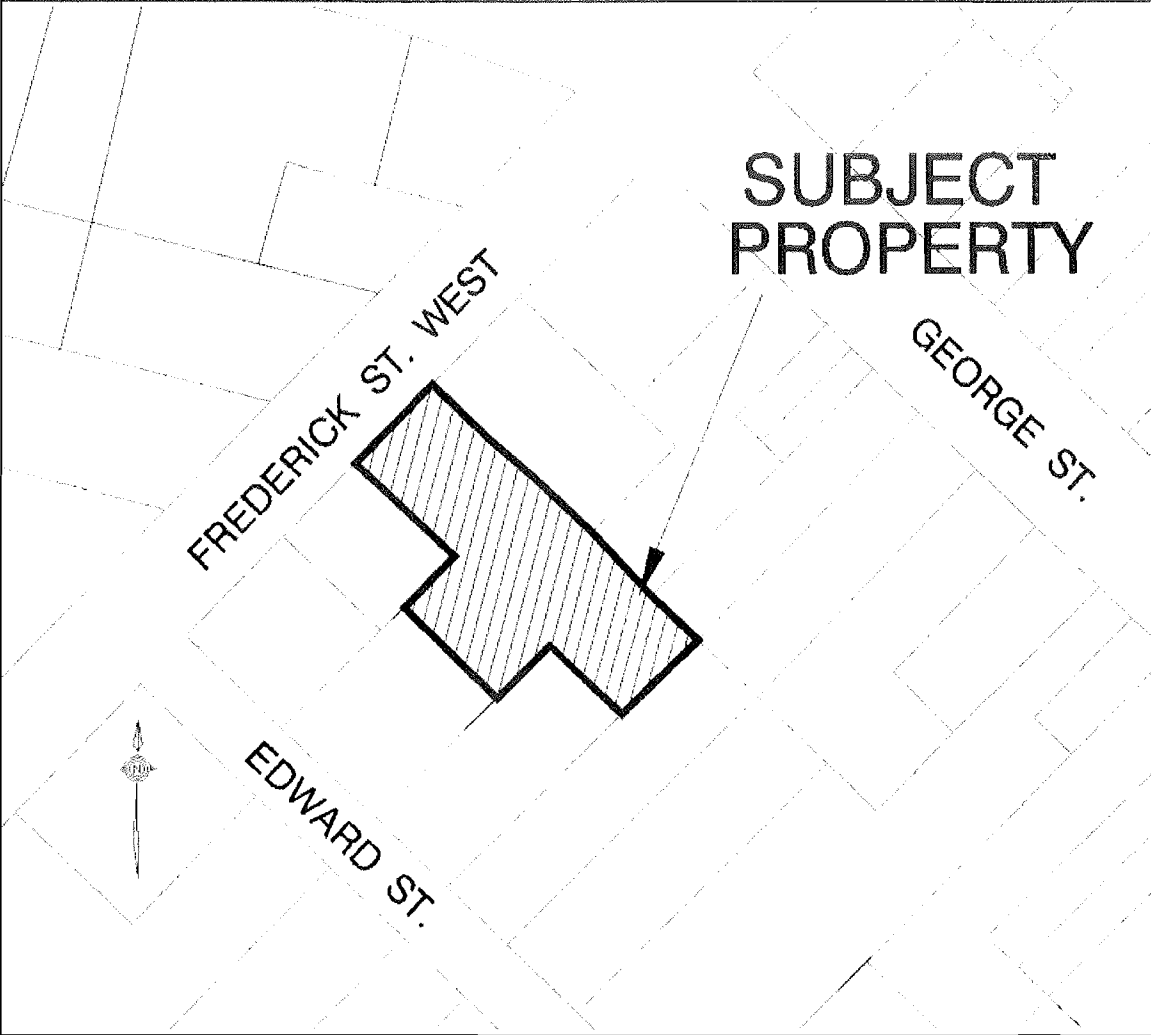
Municipal Office Council Chambers, Kenilworth

A G E N D A

Page 1 of 2

AGENDA ITEM	PAGE NO.
<p>The Mayor will call the meeting to order.</p> <p>Declaration of Pecuniary Interest.</p> <p>Owners/Applicant: Ed O'Neill and Darlene Craig</p> <p>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 and is shown on the map attached.</p> <p>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.</p> <p>Please note – Section 34 (12) of the Planning Act.</p> <p>(12) 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.</p> <ol style="list-style-type: none">1. Notice for this public meeting was sent to property owners within 120 m and required agencies and posted on the property on September 27th, 2011.2. Application for Zoning By-law Amendment	<p>01</p> <p>2</p>

AGENDA ITEM	PAGE NO.
3. Presentations by: <ul style="list-style-type: none">- Mark Van Patter, Senior Planner- See attached comments and draft by-law	10
4. Review of Correspondence received by the Township: <ul style="list-style-type: none">- Liz Yerex, Resource Planner, GRCA- No objection	15
<ul style="list-style-type: none">- Vanny Kev, 122 George Street, Arthur- Against the amendment	16
5. The by-law will be considered at the regular council meeting following the public meeting. Persons wishing notice of the passing of the By-law must submit a written request.	
6. Mayor opens floor for any questions/comments.	
7. Comments/questions from Council.	
8. Adjournment	



Application for Zoning By-law Amendment

COPY

Application No. _____

A. THE AMENDMENT

1. TYPE OF AMENDMENT? Site Specific [] Other _____

2. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?

CHANGING THE 51% OF COMMERCIAL SPACE TO MULTI-RESIDENTIAL BUT KEEPING COMMERCIAL ZONING

B. GENERAL INFORMATION

3. APPLICANT INFORMATION

a) Registered Owner's Name(s): EDWARD O'NEILL + DARLENE CRAIG

Address: 1-111 FREDRICK ST P.O. 128

Phone: Home 519-848-2529 Work 519-827-8269 Fax 519-848-2529

Email: _____

b) Applicant (Agent) Name(s): _____

Address: _____

Phone: Home () _____ Work () _____ Fax () _____

Email: _____

c) Name, Address, Phone of all persons having any mortgage charge or encumbrance on the property:

d) Send Correspondence To? Owner Agent [] Other [] _____

e) When did the current owner acquire the subject land? 2006

4. WHAT AREA DOES THE AMENDMENT COVER? [] the "entire" property a "portion" of the property (This information should be illustrated on the required drawing under item G of this application.)

10. WHAT IS THE "EXISTING" USE(S) OF THE SUBJECT LAND?

COMMERCIAL / MULTI-RESIDENTIAL

11. HOW LONG HAS THE "EXISTING" USE(S) CONTINUED ON THE SUBJECT LAND?

COMMERCIAL UNIT 3 RESIDENTIAL APARTMENTS
UNKNOWN

12. WHAT IS THE "PROPOSED" USE OF THE SUBJECT LAND?

MULTI-RESIDENTIAL / COMMERCIAL
4 APARTMENTS WITH COMMERCIAL ZONING

13. PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS OR STRUCTURES ON THE SUBJECT LAND:

(Please use a separate page if necessary.)

	<u>Existing</u>		<u>Proposed</u>	
a) Type of Building (s) -or Structure (s)				
b) Date of Construction				
c) Building Height	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
d) Number of Floors				
e) Total Floor Area (sq.m.)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
f) Ground Floor Area (sq.m.) (exclude basement)	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
g) Distance from building/structure to the:				
Front lot line	_____ (sq m)	_____ (sq ft)	_____ (sq m)	_____ (sq ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Side lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
Rear lot line	_____ (m)	_____ (ft)	_____ (m)	_____ (ft)
h) % Lot Coverage				
i) # of Parking Spaces				6
j) # of Loading Spaces				

D. EXISTING AND PROPOSED SERVICES

14. WHAT IS THE ACCESS TO THE SUBJECT PROPERTY?

- | | | | | | |
|--------------------|--------------------------|---------------------------------------|-------------------------------------|--------------|--------------------------|
| Provincial Highway | <input type="checkbox"/> | Continually maintained municipal road | <input checked="" type="checkbox"/> | Right-of-way | <input type="checkbox"/> |
| County Road | <input type="checkbox"/> | Seasonally maintained municipal road | <input type="checkbox"/> | Water access | <input type="checkbox"/> |

15. WHAT IS THE NAME OF THE ROAD OR STREET THAT PROVIDES ACCESS TO THE SUBJECT PROPERTY?

FREDRICK ST

16. IF ACCESS IS BY WATER ONLY, PLEASE DESCRIBE THE PARKING AND DOCKING FACILITIES USED OR TO BE USED AND THE APPROXIMATE DISTANCE OF THESE FACILITIES FROM SUBJECT LAND TO THE NEAREST PUBLIC ROAD. (This information should be illustrated on the required drawing under item G of this application.)

17. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Sewers	Communal Sewers	Private Wells	^{municipal} Other Water Supply	Communal Sewers	Private Septic	Other Sewage Disposal
a) Existing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Proposed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

18. HOW IS THE STORM DRAINAGE PROVIDED?

- Storm Sewers Ditches Swales Other means (explain below)

E. OTHER RELATED PLANNING APPLICATIONS

19. HAS THE CURRENT OWNER (OR ANY PREVIOUS OWNER) MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

Official Plan Amendment	Yes ()	No (✓)
Zoning By-law Amendment	Yes ()	No (✓)
Minor Variance	Yes ()	No (✓)
Plan of Subdivision	Yes ()	No (✓)
Consent (Severance)	Yes ()	No (✓)
Site Plan Control	Yes ()	No (✓)

20. IF THE ANSWER TO QUESTION 19 IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. and Date of Application: _____

Approval Authority: _____

Lands Subject to Application: _____

Purpose of Application: _____

Status of Application: _____

Effect on the Current Application for Amendment: _____

F. OTHER SUPPORTING INFORMATION

21. PLEASE LIST THE TITLES OF ANY SUPPORTING DOCUMENTS: (E.G. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report, etc.)

G. APPLICATION DRAWING

22. PLEASE PROVIDE AN ACCURATE DRAWING OF THE PROPOSAL, PREFERABLY PREPARED BY A QUALIFIED PROFESSIONAL. IN SOME CASES IT MAY BE MORE APPROPRIATE TO SUBMIT ADDITIONAL DRAWINGS AT VARYING SCALES TO BETTER ILLUSTRATE THE PROPOSAL. THE DRAWING MUST INCLUDE THE FOLLOWING:

- Owners' / applicant's name;
- Legal description of property;
- Boundaries and dimensions of the subject property and its current land use;
- Dimensions of area of amendment (if not, the entire property);
- The size and use of all abutting land;
- All existing and proposed parking and loading areas, driveways and lanes;

- The nature of any easements or restrictive covenants on the property;
- The location of any municipal drains or award drains;
- Woodlots, forested areas, ANSI's, ESA's, wetlands, floodplain, and all natural watercourses (rivers, stream banks, etc);
- The dimensions of all existing and proposed buildings and structures on the subject land and their distance to all lot lines;
- The name, location and width of each abutting public or private road, unopened road allowance or right of way;
- If access to the subject land is by water only, provide the location of the parking and docking facilities to be used; and
- Other features both on site or nearby that in the opinion of the applicant will have an effect on the application (such as bridges, railways, airports, wells, septic systems, springs, slopes, gravel pits).

THE DRAWING SHOULD ALSO INCLUDE THE SCALE, NORTH ARROW AND DATE WHEN THE DRAWING WAS PREPARED.

H. AUTHORIZATION FOR AGENTS / SOLICITOR TO ACT FOR OWNER:

(If affidavit (I) is signed by an Agent / Solicitor on Owner's behalf, the Owner's written authorization below must be completed)

I (we) _____ of the _____ of _____ ,
 County/Region of _____ do hereby authorize _____ to
 Act as my agent in this application.

Signature of Owner(s)

Date

I. AFFIDAVIT: (This affidavit be signed in the presence of a Commissioner)

I (we) DARLENE CRAIG of the TOWNSHIP of WELLINGTON NORTH

County / Region of WELLINGTON NORTH solemnly declare that all the statements contained in this application are true, and I, (we), make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath and by virtue of the **CANADA EVIDENCE ACT.**

DECLARED before me at the TOWNSHIP of WELLINGTON NORTH

County/Region of WELLINGTON this 19 day of SEPTEMBER 2011

Darlene Craig
Signature of Owner or Authorized Solicitor or Authorized Agent

Sept 18/11
Date

Cathy More
Signature of Commissioner

Sept 19/11
Date

CATHERINE E. MORE, a Commissioner,
etc., County of Wellington, Deputy Clerk
of the Corporation of the Township of
Wellington North.

APPLICATION AND FEE OF \$ 1500.00 RECEIVED BY MUNICIPALITY

Barney Bels
Signature of Municipal Employee

Sept 19, 2011
Date

SUBJECT PROPERTY MAP

Sat Mar 18 12:51:31 EST 2006



<input checked="" type="checkbox"/> Subject Property Polygon	0 10 m.	
<input type="checkbox"/> Parcel Polygons		
<input type="checkbox"/> Roads	<p>This map was compiled using plans and documents recorded in the Land Registry System and has been prepared for property indexing purposes only. This is not a Plan of Survey. For actual dimensions of property boundaries, see recorded plans and documents. Only major easements are shown.</p>	
Railways		
Water Limits		
Easement Limits		
Subject Property Point		
Neighbourhood Sales Points		

Reports Not the Official Record. Reports, other than the Parcel Register, obtained through Geowarehouse are not the official government record and will not necessarily reflect the current status of interests in land.

Currency of Information. Data contained in the Geowarehouse reports are not maintained real-time. Data contained in reports, other than the Parcel Register, may be out of date ten business days or more from data contained in POLARIS.

Coverage. Data, information and other products and services accessed through the Land Registry Information Services are limited to land registry offices in the areas identified on the coverage map.

Completeness of the Sales History Report. Some Sales History Reports may be incomplete due to the amount of data collected through POLARIS title automation. Subject properties may also show nominal consideration or sales price (e.g. \$2) in cases such as transfers between spouses or in tax exempt transfers.

Land Registry Information Services, reports and information are provided "as is" and your use is subject to the applicable Legal Terms and Conditions. Some information obtained from the Land Registry Information Services is not the official government record and will not necessarily reflect the current status of interests in land. Use of personal information contained herein shall relate directly to the purpose for which it was collected in land registry records and is subject to all applicable privacy laws.



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

October 13, 2011

Darren Jones, Building Official
Township of Wellington North
7490 Sideroad 7 W
Kennilworth, ON N0G 2E0

Dear Mr. Jones:

**Re: Edward O'Neil & Darlene Craig
111 Frederick Street, Arthur Village
Ground Floor Apartment in Central Business District
Draft Zoning By-law Amendment**

PLANNING OPINION

We have 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.

SUBJECT PROPERTY AND LOCATION

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.

PROPOSAL

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.

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". I am of the opinion that the proposal meets the general intent of the Official Plan policies.

DRAFT ZONING BY-LAW

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).

I note that there was a letter of concern from Vanny Kev (October 5) wanting to see the area develop for commercial uses. I have kept the property 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.

A draft zoning by-law amendment is enclosed. The 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. I have included this allowance in the draft by-law.

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

Sincerely,



Mark Van Patter, RPP
Senior Planner

THE CORPORATION OF THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NUMBER _____.

BEING A BY-LAW TO AMEND ZONING BY-LAW NUMBER 66-01
BEING THE ZONING BY-LAW FOR THE TOWNSHIP OF WELLINGTON NORTH

WHEREAS, the Council of the Corporation of the Township of Wellington North deems it necessary to amend By-law Number 66-01;

NOW THEREFORE the Council of the Corporation of the Township of Wellington North enacts as follows:

1. THAT Schedule "A" Map 2 to By-law 66-01 being the Zoning By-law for the Township of Wellington North is amended by changing the zoning on the land described as 111 Frederick Street West, Township of Wellington North (formerly Village of Arthur), as shown on Schedule "A" attached to and forming part of this By-law from "**C1 – Central Commercial Zone**" to "**C1-31 Central Commercial Exception Zone**".
2. THAT Section 31, Exception Zone 1 – Arthur Village, is amended by the inclusion of the following new exception:

"31.31 C1-31 In addition to the permitted uses of Section 16.1, the existing building on the land zoned C1-31, may also be used entirely for residential, without commercial use of the ground floor. Any future alterations or additions to the building shall comply with all requirements of the Residential (R2) zone - Section 12.2. Notwithstanding Section 6.1.4(ii), or any other section of this by-law to the contrary, an accessory building shall not exceed 148.64 sq. m. (1,600 sq. ft.)."
3. THAT except as amended by this By-law, the land as shown on the attached Schedule 'A' shall be subject to all applicable regulations of Zoning By-law 66-01, as amended.
4. THAT this By-law Amendment shall come into effect upon the final passing thereof pursuant to Section 34(21) and Section 34(22) of The Planning Act, R.S.O., 1990, as amended, or where applicable, pursuant to Sections 34(30) and (31) of the Planning Act, R.S.O., 1990, as amended.

READ A FIRST AND SECOND TIME THIS _____ DAY OF _____, 2011.

READ A THIRD TIME AND PASSED THIS _____ DAY OF _____, 2011.

_____.

MAYOR

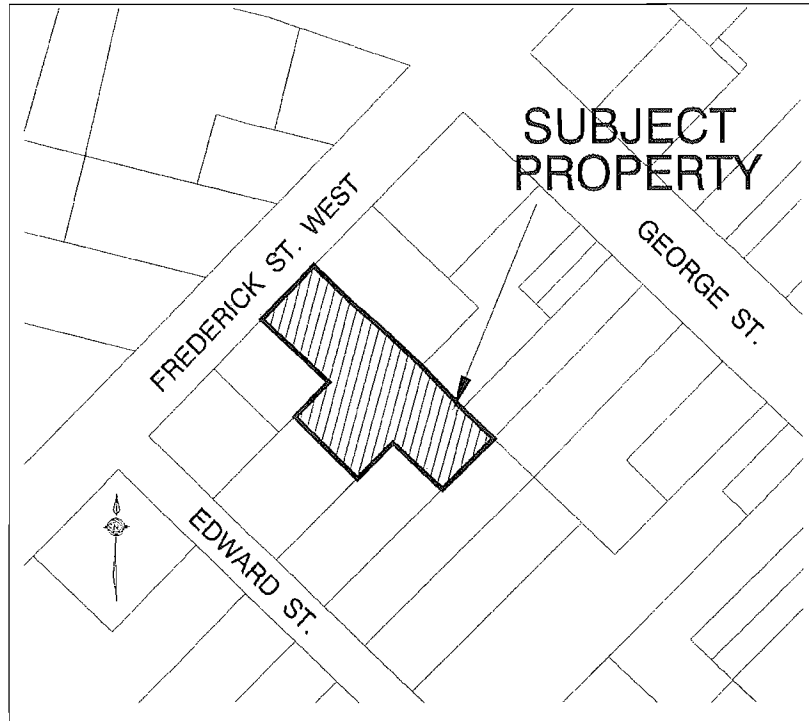
_____.

CLERK

THE TOWNSHIP OF WELLINGTON NORTH

BY-LAW NO _____.

Schedule "A"



Rezone from C1 – Central Commercial to C1-31 - Central Commercial Exception

This is Schedule "A" to By-law _____.

Passed this ____ day of _____ 2011.

MAYOR

CLERK

EXPLANATORY NOTE

BY-LAW NUMBER _____.

THE SUBJECT LAND is described as 111 Frederick Street West, Township of Wellington North (formerly Village of Arthur).

THE PURPOSE AND EFFECT of the amendment is to change the zoning of the subject property to recognize an existing legal non-conforming use. For a period of time part of the ground floor has been used for commercial purposes. The Central Commercial C1 zone requires at least 51% of the ground floor area to be in commercial use. This amendment permits use of the entire ground floor for apartments. The rationale for this is that the building was originally constructed for residential use. In addition, an accessory building not to exceed 1,600 sq. ft. is permitted.



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 DEPT.**

DATE: OCTOBER 4, 2011
GRCA FILE: WELLINGTON/WELLN/ZC/NC

YOUR FILE:

RE: Zoning By-Law Amendment
111 Frederick Street, Arthur

GRCA COMMENT: *

The Grand River Conservation Authority has no objection to the proposed Zoning By-law amendment to replace the ground floor commercial unit with another residential unit on the above noted property.

BACKGROUND:

- 1. Resource Issues:**
None identified.
- 2. Legislative/Policy Requirements and Implications:**
None



Liz Yerex
Resource Planner
Resource Management Division

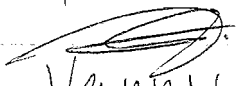
- *These comments are respectfully submitted to the Committee and reflect the resource concerns within the scope and mandate of the Grand River Conservation Authority.*

oct - 05 - 11

To. Darren Jones

I vanny kev against the amendment to replace the ground floor commercial unit on "111 Fredrick St W" with another residential apartment. Cause I ^{Arthur} want to keep the place as a commercial, I hope to see the area ~~place~~ develop as a commercial area.

your truly


Vanny Kev

my address : 9 Simmonds Dr
Guelph ON
N1E 0B1