

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Council Chambers, Civic Centre
April 26, 2018 - 9:00 a.m.**

The Committee of Adjustment met on the above date with the following members present:
Members Jim Kovacs, Chair, Curtis Carter, Richard Dunlop, Mark Spencer, Ken Stevenson and Nathaniel Sutor

Regrets: None

Also in attendance were Ryan Jacques, Planner I, Anthony Jas, Planner II, and Wendy McFadden-Becket, Administrative Assistant, Planning Services.

Provision For Disclosure Of Conflict Of Interest And The General Nature Thereof:

The Chair asked if any member had a conflict of interest with any of the applications on the agenda, in accordance with *The Municipal Conflict of Interest Act*.

Approval Of Minutes From Previous Meeting:

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Minutes of the Committee of Adjustment Citizen Panel held on March 22, 2018 be approved.”

Carried

Business Arising From the Minutes:

None

Hearing Of Applications:

- (a) Application for Consent (File B-22/18)
CityView #PL201800031
David Snobelen
12273 McKay's Line
Part of Lots 5 & 6, Concession 4
Eastern Boundary
Community of Howard

The Chair asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as not being present at the meeting.

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-22/18 to sever and convey one (1) new agricultural lot, shown as Part 1 on the applicant’s sketch, Part of Lots 5 and 6, Concession 4, Eastern Boundary, in the Community of Howard, be approved, subject to the following conditions:

- a) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;**
- b) that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and**
- c) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.”**

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 6

No Votes: 0

Carried

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- (b) Application for Consent (File B-20/18)
CityView # PL201800033
Martha Anne Dauw
1620 Dufferin Avenue
Lot 17, RCP 783; Part 1 on Plan 24R-2678
Community of Wallaceburg

The Chair asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as being present at the meeting.

Ken Stevenson asked for clarification on the comment “not including a daylight corner” that was noted in the Planning Report. Anthony Jas noted that the reference plan submitted by the applicant showed that a daylight corner on the proposed severed lands had been previously taken by the Municipality.

Jim Kovacs questioned if the retained parcel required a new 911 number. Ryan Jacques noted that a new 911 number was not automatic but done at the request of an applicant. A new 911 number could be requested at the time of severance or when constructions occurs.

Moved by Curtis Carter, Seconded by Mark Spencer

“That the Committee of Adjustment approve Consent application File B-20/18 to sever and convey a new commercial lot, approximately 0.11 ha (0.27 ac.) in area, known as 1620 Dufferin Avenue, in Lot 17, RCP 783; described as Part 1 on Plan 24R-2678 (not including daylight corner), in the Community of Wallaceburg, be approved, subject to the following conditions:

- a) that a new municipal water service connection to the retained parcel be installed at the applicant’s expense and to the satisfaction of the Municipality; and**
- b) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.”**

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 6

No Votes: 0

Carried

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- (c) Applications for Minor Variance (File A-11/18)
CityView #PL201800035
Keith Vreman
16 Broadway Street
Lot 6, Plan 79
Community of Ridgetown

The Chair asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as being present at the meeting.

Anthony Jas noted the Committee had received a letter of objection prior to the meeting for review and consideration. The objection letter noted the following issues and concerns: (i) the minor variance should have been requested prior to commencing construction; (ii) the structure may not be supported properly; (iii) the applicant may have equipment installed across the

property line; (iv) the existing structure was ugly and could negatively affect property values; and (v) the structure prevented an unobstructed view looking south down Broadway Street.

Curtis Carter suggested that individuals who commences construction prior to obtaining the necessary approvals from all applicable departments should be charge a \$1,000 fine.

Jim Kovacs questioned whether the proposed enclosure of the existing porch would create any visibility issues. Anthony Jas noted potential visibility issues had been reviewed and considered and it was determined there would be no additional issues to visibility.

Moved by Nathaniel Suitor, Seconded by Mark Spencer

“That the Committee of Adjustment approve Minor Variance application File A-11/18, in Lot 6, Plan 79, in the Community of Ridgetown, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.40.1, Established Front Yards, to recognize the reduction in the front yard setback from 3.81 m (12.5 ft.) to 1.37 m (4.5 ft.), be approved, without conditions.”

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes
Carter	No
Dunlop	Yes
Spencer	Yes
Stevenson	No
Suitor	Yes

Yes Votes: 4

No Votes: 2

Carried

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- (d) Applications for Consent (File B-25/18)
& Minor Variance (File A-12/18)
CityView #PL201800038
Burm Farms Ltd.
10244 Bush Line
Part of Lot 13, Concession 12
Community of Chatham Township

The Chair asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicant was noted as being present at the meeting.

File B-25/18

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-25/18 to sever a surplus dwelling and two (2) outbuildings (10244 Bush Line) on a new lot, approximately 0.77 ha (1.91 ac.) in area, shown as Part 1 the applicant’s sketch, in Part of Lot 13, Concession 12, in the Community of Chatham (Township), be approved, subject to the following conditions:

- a) that the severed parcel comply with the regulations of the Chatham-Kent Zoning By-law;
- b) that the applicant demonstrates the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
- c) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
- d) that a hard copy and AutoCAD.dwg version of the final reference plan projected to the NAD 83/UTM Zone 17N coordinate system be submitted to the Municipality; and
- e) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification.”

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 6

No Votes: 0

Carried

File A-12/18

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-12/18, in Part of Lot 13, Concession 12, in the Community of Chatham (Township), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) grant relief from Section 5.21.2 (b), Interior Side Yard Width Minimum, to reduce the interior side yard setback of an existing outbuilding on the severed parcel from 4 m (13.1 ft.) to 3.05 m (10 ft.),

**b) grant relief from Section 5.21.2 (b), Lot Area Minimum, to recognize the reduction in lot area of the retained parcel from 20 ha (50 ac.) to 19.5 ha (48.09 ac.),
be approved, without conditions.”**

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 6

No Votes: 0

Carried

(e) Application for Consent (File A-13/18)
CityView #PL201800042
James and Olga Hawrylyk
34 Owen Avenue
Lot 2, Plan 764
Community of Chatham

The Chair asked if any person from the public had an interest in the application. There were no members from the public noted as being present with an interest in the matter. The applicants' representative, Alex Van Horne was noted as being present at the meeting.

Moved by Ken Stevenson, Seconded by Mark Spencer

“That the Committee of Adjustment approve Minor Variance application File A-13/18, concerning Lot 2, Plan 764, in the Community of Chatham (City), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.1.2, Rear Yard Depth Minimum, to grant relief from the rear yard setback from 7.62 m (25 ft.) to 3.81 m (12.5 ft.), be approved, without conditions.”

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 6

No Votes: 0

Carried

Hearing Of Changes To Conditions Of Provisional Consents:

None to Report.

Other Business:

None to Report.

Time, Date And Place For Next Meeting Of The Committee:

9:00 a.m., May 24, 2018 - Council Chambers

Adjournment:

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment Citizen Panel adjourn at 9:22 a.m.”