

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Council Chambers, Civic Centre
August 23, 2018 - 9:00 a.m.**

The Committee of Adjustment met on the above date with the following members present: Members Richard Dunlop, Acting Chair, Curtis Carter, Mark Spencer, Ken Stevenson (arrived at 9:15 a.m.) and Nathaniel Suitor

Regrets: Jim Kovacs

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

Moved by Curtis Carter, Seconded by Nathaniel Suitor

“That Richard Dunlop be appointed to Acting Chair for the August 23, 2018 meeting.”

Carried

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 Nathaniel Suitor

“That the Minutes of the Committee of Adjustment Citizen Panel held on July 26, 2018 be approved.”

Carried

Business Arising From the Minutes:

None

Hearing Of Applications:

Moved by Curtis Carter, Seconded by Nathaniel Suitor

“That Application For Minor Variance (File A-37/18) for Bill Bailey & Trevor Crance, 249 & 253 Summerset Place, Parts 7 & 8, Plan 24R-10413, Community of Chatham be deferred.”

Carried

- (a) Application for Minor Variance (File A-18/18)
CityView #PL201800089
Maria O'Brien
515 Mariners Road
Lot 46, Plan 462, Lot 46A, Plan 464
Community of Erieau

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. David French, the applicant's agent was noted as being present at the meeting.

File A-18/18

Moved by Mark Spenser, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Minor Variance application File A-18/18, concerning Lot 46, Plan 462; Lot 46A, Plan 464 (515 Mariners Road), in the Community of Erieau, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.6.2(b), Interior Side Yard Width Minimum, to reduce the required minimum interior side yard setback from the easterly property line, from 3.0 m (9.8 ft.) to 1.5 m (5.0 ft.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 0

Carried

- (b) Application for Consent (File B-58/18)
CityView # PL201800095
First Family Homes Inc.
26 Cathcart Street
Lots 23 & 24, Plan 192
Community of Tilbury

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.

File B-58/18

Moved by Curtis Carter, Seconded by Mark Spencer

“That the Committee of Adjustment approve Consent application File B-58/18, to create two new lots for row house dwelling units, together with easements for access and stormwater drainage, being:

- a) Parcel 1, a new 384 sq. m (4,136 sq. ft.) residential lot, shown as Parts 1 & 2 on the applicant’s sketch, together with an easement for access and stormwater drainage over Part 1, in favour of Parts 3 & 5;**
- b) Parcel 2, a new 251 sq. m (2,704 sq. ft.) residential lot, shown as Parts 3 & 4 on the applicant’s sketch, together with an easement for access and stormwater drainage over Part 3, in favour of Parts 1 & 5; and**
- c) Easement 1, for access and stormwater drainage over Part 5 on the applicant’s sketch, in favour of Parts 1 & 3;**

in Lots 23 & 24, Plan 192, in the Community of Tilbury, be approved, subject to the following conditions:

- a) that the location of existing municipal water and sanitary connections be confirmed, and if absent, that new services connections to each parcel be installed at the applicant’s expense and to the satisfaction of the Municipality;**
- b) that the new parcels and their associated easements be created by way of the registration process outlined by Province of Ontario Bulletin No. 2005-01, Subdivision by Reference Plan;**
- c) 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**
- d) 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	Absent
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Absent
Suitor	Yes

Yes Votes: 4

No Votes: 0

Carried

- (c) Applications for Consent (File B-53/18)
& (File B-54/18)
CityView #PL201800096
Van De Velde Farms Ltd.
19792 Fargo Road
Part of Lots 11 & 12, Concession 2 WCR
Community of Harwich

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.

File B-53/18

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-53/18 to sever a surplus dwelling (19792 Fargo Road) on a new 0.7 ha (1.7 ac.) lot, shown as Parts 1, 2 and 3 on the applicant’s sketch, together with a permanent easement for access from Fargo Road, and a permanent private hydro line easement, both over the severed parcel and in favour of the retained parcel, in Part of Lots 11 & 12, Concession 2 WCR, in the Community of Harwich, 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 the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;**
- c) 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;**
- d) 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	Absent
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

No Votes: 0

Carried

File B-54/18

Moved by Nathaniel Suitor, Seconded by Mark Spencer

“That the Committee of Adjustment approve Consent application File B-54/18, to establish a blanket easement over the retained parcel, in favour of the severed parcel, for a connection to municipal water via a private waterline, be approved, subject to the following condition:

- a) 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	Absent
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

No Votes: 0

Carried

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- (d) Application for Consent (File B-55/18)
CityView #PL201800099
Bertrand & Margaretha Rammelaere
Tecumseh Line
Part of Lot 5, Concession 1
Community of Tilbury East

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. Mr. Courey, the applicant’s solicitor was noted as being present at the meeting.

File B-55/18

The Committee of Adjustment received and reviewed the letter that was submitted. The written submission described concerns related to the general intent and nature of the easement. Mr. Courey noted the intent was not to establish a trail or roadway and felt that planting a row of trees along the perimeter would only define it more and was not his client intention.

Moved by Curtis Carter, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Consent application File B-55/18, to create permanent easements for access to the Thames River over the subject farm, being:

- a) Easement 1, a permanent easement for access to the water, over Parts 1, 2, 3 & 4 on the applicants’ sketch, in favour of PIN: 00790-0127 (4915 Tecumseh Line / Part 4, Plan 24R-9862);**
- b) Easement 2, a permanent easement for access to the water, over Parts 1, 2 & 3 on the applicants’ sketch, in favour of PIN: 00790-0126 (4923 Tecumseh Line / Part 3, Plan 24R-9862);**
- c) Easement 3, a permanent easement for access to the water, over Parts 1 & 2 on the applicants’ sketch, in favour of PIN: 00790-0125 (4933 Tecumseh Line / Part 2, Plan 24R-9862); and**
- d) Easement 4, a permanent easement for access to the water, over Parts 1 on the applicants’ sketch, in favour of PIN 00790-0124 (4943 Tecumseh Line / Part 1, Plan 24R-9862);**

in Part of Lot 5, Concession 1, in the Community of Tilbury East, be approved, subject to the following conditions:

- a) 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**
- 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	Absent
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 5
No Votes: 0

Carried

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- (e) Applications for Minor Variance (File A-37/18)
CityView #PL201800102
Bill Bailey & Trevor Crane
249 & 253 Summerset Place
Parts 7 & 8, Plan 24R-10413**

Community of Chatham

This application was deferred.

- (f) Application for Consent (File B-56/18)
CityView #PL201800103
Trustees for the Congregation of the
Canadian Reformed Church of Chatham, Ontario
481 & 483 McNaughton Avenue East
Part of Lot 4, Concession 2
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 not being present at the meeting.

File B-56/18

Moved by Ken Stevenson, Seconded by Nathaniel Sutor

“That the Committee of Adjustment approve Consent application File B-56/18 to create permanent easements over the subject property being:

- a) Easement 1: shown as Parts 6, 7, 11 and 12 on the attached sketch, in favour of the adjacent lot to the east (485 McNaughton Avenue East / PIN: 00735-0048) for a shared fire access route and ingress/egress from McNaughton Avenue East;**
- b) Easement 2: shown as Parts 9, 11 and 13 on the attached sketch, in favour of the adjacent lot to the east (485 McNaughton Avenue East / PIN: 00735-0048) for access to a buried sanitary sewer line; and**
- c) Easement 3: shown as Parts 5 and 6 on the attached sketch, in favour of the adjacent lot to the east (485 McNaughton Avenue East / PIN: 00735-0048) for vehicle parking and pedestrian access;**

in Part of Lot 4, Concession 2, in the Community of Chatham (Township), be approved, subject to the following condition:

- a) 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	Absent
Carter	Yes
Dunlop	Yes

Committee Member	Vote
Spencer	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

No Votes: 0

Carried

(g) Application for Minor Variance (File A-38/18)

CityView #PL201800106

Laura & Brian Vandooren

9531 River Line

Part of Lot 8, Concession 2 RTS

Community of Harwich

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 were noted as not being present at the meeting. Mr. Van Den Broere, from 9537 River Line was noted as being present at the meeting.

File A-38/18

Mr. Van Den Broere addressed the Committee and noted his concerns regarding the placement of the proposed building addition in the front yard, the availability of parking spaces and the potential of headlights from the cars shining into their living room. Ryan Jacques noted that development along the north side of River Line did not follow a consistent setback from the road, but rather the Thames River.

Moved by Curtis Carter, Seconded by Mark Spencer

“That the Committee of Adjustment approve Minor Variance application File A-38/18, in Part of Lot 8, Concession 2 RTS in the Community of Harwich, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) Grant relief from Section 4.40.1, Established Front Yards, to permit the construction of an attached garage addition in the front yard of the property; and**
- b) Grant relief from Section 5.9.2 (b), Interior Side Yard Width Minimum, to reduce the interior side yard setback from 3.0 m (9.84 ft.) to 1.57 m (5.16 ft.), to permit the construction of a new building addition in the rear yard of the property, be approved, without conditions.”**

The Chair put the Motion

Committee Member	Vote
Kovacs	Absent
Carter	Yes

Committee Member	Vote
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

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., September 27, 2018 - Council Chambers

Adjournment:

Moved by Curtis Carter, Seconded by Nathaniel Suitor

“That the Committee of Adjustment Citizen Panel adjourn at 9:35 a.m.”