

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Council Chambers, Civic Centre
May 24, 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 Suitor

Regrets: None

Also in attendance were Bruce McAllister, Director, 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 Mark Spencer, Seconded by Curtis Carter

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

Carried

Business Arising From the Minutes:

None

Hearing Of Applications:

- (a) Application for Consent (File B-27/18) & (File 33/18)
& Minor Variance (File A-14/18)
CityView #PL201800045
Jerry Lesy, Ashley McPhail and Scott McPhail
29446 Sharrow Road
Part of Lot 4, Concession 10
Community of Camden

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.

Moved by Curtis Carter, Seconded by Richard Dunlop

File B-27/18

“That the Committee of Adjustment approve Consent application File B-27/18 to sever a surplus dwelling and four (4) outbuildings (29446 Sharrow Road) on a new lot, approximately 0.5 ha (1.24 ac.) in area, shown as Part 1 on the applicants’ sketch, in Part of Lot 4, Concession 10, in the Community of Camden, 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 applicants demonstrates the septic system on the severed parcel is functioning in accordance with Municipal Protocol;**
- c) that the applicants 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;**
- 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

Moved by Curtis Carter, Seconded by Richard Dunlop

File B-33/18

“That the Committee of Adjustment approve Consent application File B-33/18 to establish a permanent easement over part of the proposed retained parcel, shown as Part 2 on the applicants’ sketch, in favour of the proposed surplus dwelling lot (29446 Sharrow Road), for access to a water well, in Part of Lot 4, Concession 10, in the Community of Camden, be approved, subject to the following conditions:

- a) that Consent application File B-27/18 be finally approved;
- 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

Moved by Ken Stevenson, Seconded by Mark Spencer

File A-14/18

“That the Committee of Adjustment approve Minor Variance application File A-14/18, in Part of Lot 4, Concession 10, in the Community of Camden, 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 19.73 ha (48.76 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

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- (b) Application for Consent (File B-28/18)
CityView # PL201800047
M & G Laprise Farms Ltd.
Maple Line
Part of Lot 16, Concession 5 South
Community of Dover

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. Robert Abbey, the owner of the receiving lot (7545 Maple Line) was noted as being present at the meeting.

Ken Stevenson asked for clarification on the statement under the Official Plan section on Page 2 that stated “the proposed lot addition is part of a boundary adjustment that reflects a more practical use of these lands”. Anthony Jas noted these lands were no longer being used as part of the farming operation of the applicant and there would be no farmland being taken out of production. The lands are currently used as part of the adjacent residential property that was the receiving lot.

Moved by Curtis Carter, Seconded by Mark Spencer

“That the Committee of Adjustment approve Consent application File B-28/18 to sever and convey a portion of land, approximately 0.47 ha (1.15 ac.) in area, shown as Parts 1, 2 and 3 on the applicant’s sketch, in Part of Lot 16, Concession 5 South, in the Community of Dover, as a lot addition, be approved, subject to the following conditions:

- a) that the lands to be severed, shown as Parts 1, 2 and 3 on the applicant’s sketch, be conveyed to the owner of the abutting rural residential lot (7545 Maple Line / PIN 00779-0058) and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent;**
- b) that a one-foot square from the receiving lot be conveyed to the Municipality free of charge and clear of all encumbrances, and that the applicant pay \$75 for the registration of the dedication by-law for the one-foot square conveyance;**
- 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;**
- 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

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- (c) Applications for Consent (File B-29/18)
& Minor Variance (File A-16/18)
CityView #PL201800048
Jerry Coatsworth
3784 Talbot Trail
Part of Lot 186, Talbot Road Survey
Community of Romney

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's agent, Jay Johnson, was noted as being present at the meeting.

Mark Spencer asked for clarification on the proposed Minor Variance application to recognize the reduction in lot area of the retained parcel from 20 ha (50 ac.) to 1.86 ha (4.58 ac.). Anthony Jas noted the subject property was currently only 3.65 ha (9.02 ac.) in area and would be reduced to 3.02 ha (7.45 ac.) following the severance. A property with more than one zone was required to meet the zoning provisions of each specific zone. Therefore, the minor variance was required to recognize the area of the proposed retained parcel that was zoned Agricultural, which would be further reduced to 1.86 ha (4.58 ac.). The portion of the retained parcel zoned Hazard Land did not require relief from the Zoning By-law as there was no lot area minimum required.

File B-29/18

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment Consent application File B-29/18 to sever a surplus dwelling and two (2) outbuildings (3784 Talbot Trail) on a new lot, approximately 0.63 ha (1.57 ac.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 186, Talbot Road Survey, in the Community of Romney, be approved, subject to the following conditions:

- a) that the retained 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;
- 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-16/18

Moved by Curtis Carter, Seconded by Nathaniel Suitor

“That the Committee of Adjustment Minor Variance application File A-16/18, in Part of Lot 186, Talbot Road Survey, in the Community of Romney, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to 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 1.86 ha (4.58 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

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- (d) Applications for Consent (File B-30/18)
& Minor Variance (File A-17/18)
CityView #PL201800049
Mary-Lou Coatsworth
4154 Talbot Trail
Part of Lot 181, Talbot Road Survey
Community of Romney

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's agent, Jay Johnson, was noted as being present at the meeting.

Jim Kovacs inquired whether the subject property that was located on the water front required comments from the Lower Thames Valley Conservation Authority (LTVCA). Anthony Jas noted that the LTVCA had been consulted and had no objections to the proposal. Bruce McAllister noted that any future agricultural building constructed on the retained parcel would require approval of the LTVCA.

Richard Dunlop asked if there was any future flooding on the subject property would the Municipality be held responsible. Bruce McAllister noted that applications along the shoreline did require an Owner's Acknowledgement Waiver to be signed.

File B-30/18

Moved by Ken Stevenson, Seconded by Richard Dunlop

"That the Committee of Adjustment approve Consent application File B-30/18 to sever a surplus dwelling and one (1) outbuilding (4154 Talbot Trail) on a new lot, approximately 0.3 ha (0.85 ac.) in area, shown as Part 1 on the applicant's sketch, in Part of Lot 181, Talbot Road Survey, in the Community of Romney, be approved, subject to the following conditions:

- a) that the retained 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;
- 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-17/18

Moved by Curtis Carter, Seconded by Mark Spencer

“That the Committee of Adjustment approve Minor Variance application File A-17/18, in Part of Lot 181, Talbot Road Survey, in the Community of Romney, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, 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 1.6 ha (3.9 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 Minor Variance (File A-15/18)
CityView #PL201800050
Prince Edward Ventures Inc.
Lindsay Road
Part of Lot 18, Concession 4

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.

Moved by Mark Spencer, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Minor Variance application File A-15/18, concerning Part Lot 18, Concession 4; described as Part 1 on Plan 24R-10293, in the Community of Chatham (Township), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.21.2, Lot Coverage Maximum, to increase the permitted maximum lot coverage of an agricultural use from 10% to 30%, 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

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- (f) Application for Minor Variance (File A-19/18)
CityView #PL201800054
James and Brenda Robinson
789 Murray Street
Part of Block R, Plan 418
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 not being present at the meeting.

Moved by Mark Spencer, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-19/18, concerning Part of Block R, Plan 418 (789 Murray Street), in the Community of Wallaceburg, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.10.2, Front Yard Depth Minimum, to reduce the front yard setback

from 7.62 m (25 ft.) to 3.2 m (10.5 ft.), to permit the construction of a permanent canopy, 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., June 28, 2018 - Council Chambers

Adjournment:

Moved by Richard Dunlop, Seconded by Nathaniel Suitor

“That the Committee of Adjustment Citizen Panel adjourn at 9:32 a.m.”