

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Council Chambers, Civic Centre
November 22, 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 Ryan Jacques, Planner I 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 Richard Dunlop, Seconded by Curtis Carter

“That the Minutes of the Committee of Adjustment Citizen Panel held on October 25, 2018 be approved.”

Carried

Business Arising From the Minutes:

None

Hearing Of Applications:

- (a) Application for Consent (File B-75/18)
CityView #PL201800156
Lesley Goff
21086 Charing Cross Road
Lots 9 - 11 & Part of Lot 8, Northwest of Third Street;
Lots 9 - 1 & Part of Lot 8, Southeast of Fourth Street;
Lots 9 - 11 & Part of Lot 8 Northwest of Fourth Street;
Lot 17 & Part of Lot 16, Northeast of Queen Street;
Part of Lots 16 & 17, Southwest of Townline Road;
and Part of Fourth Street and Queen Street, Plan 186,
Community of Raleigh

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, Lesley Goff, was noted as being present at the meeting.

File B-75/18

Moved by Ken Stevenson, Seconded by Mark Spencer

“That the Committee of Adjustment approve Consent application File B-75/18 to sever and convey a portion of land, approximately 0.97 ha (2.39 ac.) in area, shown as Part 1 on the applicant’s sketch, in Lots 9 - 11 & Part of Lot 8, Northwest of Third Street; Lots 9 - 1 & Part of Lot 8, Southeast of Fourth Street; Lots 9 - 11 & Part of Lot 8 Northwest of Fourth Street; Lot 17 & Part of Lot 16, Northeast of Queen Street; Part of Lots 16 & 17, Southwest of Townline Road; and Part of Fourth Street and Queen Street, Plan 186, in the Community of Raleigh, be approved, subject to the following conditions:

- a) that the lot addition to be severed, shown on the applicant’s sketch as Part 1, be conveyed to the owner of the abutting residential parcel (21088 Charing Cross Road / PIN: 00870-0117) 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 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) Applications for Consent (File B-76/18)
& Minor Variance (File A-53/18)
CityView # PL201800157
Gary McFadden
29646 Esterville Road
Part of Lot 6, Concession 7

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 applicant, Gary McFadden, was noted as being present at the meeting.

File B-76/18

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-76/18 to sever a surplus dwelling, two (2) outbuildings, and one (1) silo (29649 Esterville Road) on a new lot, approximately 0.73 ha (1.8 ac.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lot 6, Concession 7, in the Community of Camden, 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 former livestock facility on the severed parcel be decommissioned to the satisfaction of the Municipality;
- c) that the applicant demonstrates the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
- d) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
- e) 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;
- f) 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-53/18

Moved by Mark Spencer, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-53/18, in Part of Lot 6, Concession 7, in the Community of Camden, 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 19.1 ha (47.2 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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- (c) Application for Consent (File B-77/18)
CityView #PL201800160
Felix & Denis Couture
6585 Pain Court Line
Part of Lot 8, Concession 4
Community of Dover

The Chair asked if any person from the public had an interest in the application. There were 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.

File B-77/18

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-77/18 to sever and convey a portion of land, approximately 0.06 ha (0.16 ac.) in area, shown as Part 2 on the applicants’ sketch, in Part of Lot 8 Concession 4, in the Community of Dover, as a lot addition, be approved, subject to the following conditions:

- a) that the lot addition to be severed, shown as Part 2 on the applicants’ sketch be conveyed to the owner of the abutting residential parcel (6579 Pain Court Line / PIN: 00784-0014) 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 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

File B-78/18

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-78/18 to sever a surplus dwelling (6585 Pain Court Line) on a new 0.36 ha (0.89 ac.) lot, shown as Part 1 on the applicants’ sketch, in Part of Lot 8, Concession 4, in the Community of Dover, be approved, subject to the following conditions:

- a) that Consent application File B-77/18 be finally approved;
- b) that the applicants pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
- c) that the applicants demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
- d) that the severed and retained parcels be transferred to Dan Oullette, as outlined in the Agreement of Purchase and Sale, dated September 11, 2018;
- e) that all outstanding local improvement charges be paid in full to the satisfaction of the Municipality;
- f) 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
- g) 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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- (d) Application for Minor Variance (File A-39/18)
CityView #PL201800108
William & Deborah Kellier
65 Cross Street
Part of Lot 11, Plan Old Survey
Community of Chatham

The Chair asked if any person from the public had an interest in the application. There was a member from the public noted as being present with an interest in the matter. The applicants were noted as not being present at the meeting.

File A-39/18

Mark Spencer questioned whether it was because a building permit was required that made the Minor Variance application a necessity. Ryan Jacques noted while the existing triplex was permitted, any change in use of the property that did not conform with the RL2 zone would require relief from the zoning by-law.

Curtis Carter questioned why this application was being considered at this Committee and not going to Council. Ryan Jacques clarified that while Council is the approval body for Zoning By-law Amendments, there is a provision of the Planning Act that allows a change in legal non-conforming use to be considered as a Minor Variance application. As the Committee has the delegated authority to consider Minor Variance applications, the Committee could deal with the application presented.

Jim Kovacs inquired whether by granting this minor variance allowing a legal non-conforming use would a precedence be set. Ryan Jacques confirmed a precedent was not being set. Mr. Kovac questioned who determined the building code to allow this relief, window size, etc. under the variance. Mr. Jacques noted all construction was handled under the building code. The variance compliance had to come before the building code compliance.

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-39/18, in Part of Lot 11, Plan Old Survey, in the Community of Chatham (City), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) Change the legal non-conforming use from a Triplex to a Four-plex; and**
- b) Grant relief from Section 4.7 (2), Dwelling Units, Location Within Basement or Cellar, to permit a dwelling unit in a cellar,**

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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- (e) Application for Minor Variance (File A-37/18)
CityView #PL201800102
Bill Bailey & Trevor Crane
249 & 253 Summerset Place
Part 7 & 8, Plan 24R-10413
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, Mr. & Mrs. Bailey, were noted as not being present at the meeting.

File A-37/18

Jim Kovacs questioned why Jodamar Properties Ltd., had an issue with the grading as noted in their letter of objection. Ryan Jacques noted there was no one from Jodamar Properties Ltd., to speak to this. Gilles Michaud addressed the Committee and noted the concrete porch was already in place with the correct grading and catch basins in place.

Moved by Richard Dunlop, Seconded by Curtis Carter

“That the Committee of Adjustment approve Minor Variance application File A-37/18, in Parts 7 & 8, Plan 24R-10413, in the Community of Chatham (City), to provide relief from

the Chatham-Kent Zoning By-law No. 216-2009, as amended, Special Zone Provision No. 1106, to reduce the Rear Yard Depth Minimum from 7.62 m (25 ft.) to 5.25 m (17.23 ft.), to construct a new 3.08 m x 8.53 m (10 ft. x 28 ft.) unenclosed covered porch in the rear yard of the property, 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., December 20, 2018 - Council Chambers

Adjournment:

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment Citizen Panel adjourn at 9:34 a.m.”