

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Council Chambers, Civic Centre
October 25, 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 and Ken Stevenson and Nathaniel Sutor

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 Curtis Carter, Seconded by Richard Dunlop

“That the Minutes of the Committee of Adjustment Citizen Panel held on September 27, 2018 be approved.”

Carried

Business Arising From the Minutes:

None

Hearing Of Applications:

- (a) Application for Minor Variance (File A-47/18)
CityView #PL201800136
Maple City Homes
619 & 623 Daylight Point
Lot 11 & 12, Draft Plan of Subdivision 36T-13501
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 applicant, Gilles Michaud, was noted as being present at the meeting.

File A-47/18

Moved by Curtis Carter, Seconded by Mark Spencer

“That the Committee of Adjustment approve Minor Variance application File A-47/18, in Lots 11 & 12, Draft Plan of Subdivision 36T-13501, 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. 683, to reduce the Rear Yard Depth Minimum from 7.62 m (25 ft.) to 6.35 m (20.8 ft.), to permit the construction of a semi-detached dwelling, 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 Minor Variance (File A-48/18)
CityView # PL201800137
Maple City Homes
622 & 626 Daylight Point
Lots 5 & 6, Draft Plan of Subdivision 36T-13501
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 applicant, Gilles Michaud, was noted as being present at the meeting.

File A-48/18

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-48/18, in Lots 5 & 6, Draft Plan of Subdivision 36T-13501, 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. 683, to:

- a) reduce the Front Yard Depth Minimum from 7.62 m (25 ft.) to 6.2 m (20.3 ft.); and**
- b) reduce the Rear Yard Depth Minimum from 7.62 m (25 ft.) to 6.86 m (22.5 ft.),**

to permit the construction of a semi-detached dwelling, 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) Applications for Minor Variance (File A-49/18)
CityView #PL201800138
Maple City Homes
630 & 634 Daylight Point
Lot 7 & 8, Draft Plan of Subdivision 36T-13501
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 applicant, Gilles Michaud, was noted as being present at the meeting.

File A-49/18

Moved by Ken Stevenson, Seconded by Mark Spencer

“That the Committee of Adjustment approve Minor Variance application File A-49/18, in Lots 7 & 8, Draft Plan of Subdivision 36T-13501, 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. 683, to reduce the Front Yard Depth Minimum from 7.62 m (25 ft.) to 6.2 m (20.3 ft.), to permit the construction of a semi-detached dwelling, 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

- (d) Application for Minor Variance (File A-50/18)
CityView #PL201800146
Monica Klauka
437 Agnes Street
Lot 48, Plan 430
Community of Wallaceburg

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 applicant was noted as not being present at the meeting.

File B-60/18

Three oral submissions were received from Lynda Dube, Sylvia Pickering and Eric Pickering. The following is a summary of the submissions received:

- An existing garden shed may be encroaching onto the neighbouring property.
- A tree may be encroaching onto the neighbouring property.
- The new proposed building may represent a fire hazard.
- The existing smaller shed behind the existing garage was in poor condition.
- Questioned whether the small existing shed was included in the lot coverage calculation.
- The existing smaller shed may have been constructed without a building permit.

Ryan Jacques noted that the concerns regarding the encroachments were a private matter between property owners. The zoning by-law did not regulate the type of construction required or materials used and that the proposed structure would have to meet the requirements set out in the Ontario Building Code. It was also noted that construction of a building under 108 sq. ft. in area would not have required a building permit.

Moved by Nathaniel Suitor, Seconded by Mark Spencer

“That the Committee of Adjustment approve

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-51/18)
CityView #PL201800147
Jan Van Goudswaard
13033 O'Neill Line
Lot 12, Concession 7
Community of Howard

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 applicant, Jan Van Goudswaard, was noted as being present at the meeting.

File A-51/18

One oral submission was received from Peter Arshi. The following is a summary of the submission received:

- The existing facility produced odour that impacted the neighbouring residential property.
- There was a concern about water run-off and potential spills that may affect the neighbouring residential property.
- There was concern about the possible impact on residential values.
- The new application should have to be in compliance with the new MDS guidelines.

Ryan Jacques noted the proposal met the four tests for a minor variance as outlined by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA). Jan VanGoudswaard noted the new extension being proposed would be constructed away from the neighbouring residential property and the extension was required to remain economical viable. Rick Faber addressed the Committee and noted that a Nutrient Management Plan was in place with OMAFRA.

Richard Dunlop noted the picture in the planning report showed water laying in front of the existing livestock facility. Ryan Jacques noted this picture was taken from Google street view and the water was most likely caused by a rainfall and was not a pond.

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-51/18, in Lot 12, Concession 7, in the Community of Howard, to provide relief from the Minimum Distance Separation Formulae, MDS II, Type A Land Uses, to:

- a) reduce the Minimum Livestock Barn Setback Distance from 106 m to 44 m; and,**
- b) reduce the Minimum Manure Storage Setback Distance from 106 m to 59 m,**

be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 2

Carried

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- (f) Application for Minor Variance (File A-52/18)
CityView #PL201800154
Susan Ireland
21 Copperfield Crescent
Lot 47, Plan 758
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 applicant was noted as being present at the meeting.

File A-52/18

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-52/18, in Lot 47, Plan 758, in the Community of Chatham (City), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) Grant relief from Section 4.2(4)(a), Accessory Uses, Yard Requirements, to permit an accessory building in an exterior side yard closer than the setback required for the zone; and**
- b) Grant relief from Section 5.1.2, Exterior Side Yard Width Minimum, to reduce the exterior side yard setback from 2.44 m (8 ft.) to 0.6 m (2 ft.),**

to permit the construction of an accessory building, be approved, without conditions.”

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes

Committee Member	Vote
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., November 22, 2018 - Council Chambers

Adjournment:

Moved by Nathaniel Suitor, Seconded by Mark Spencer

“That the Committee of Adjustment Citizen Panel adjourn at 9:56 a.m.”