

**The Corporation Of The Municipality Of Chatham-Kent**

**Committee of Adjustment – Citizen Panel  
Council Chambers, Civic Centre  
September 27, 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

Regrets: Nathaniel Sutor

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 Mark Spencer

**“That the Minutes of the Committee of Adjustment Citizen Panel held on August 23, 2018 be approved.”**

**Carried**

**Business Arising From the Minutes:**

None

**Hearing Of Applications:**

- (a) Application for Consent (File B-26/18)  
CityView #PL201800040  
Rolland & Patricia Sterling  
20588 A.D. Shadd Road  
Part of Lot 9, Concession 13  
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 applicants were noted as not being present at the meeting. The applicants' agent, David French, was noted as being present at the meeting.

**File B-26/18**

Moved by Ken Stevenson, Seconded by Mark Spencer

**“That the Committee of Adjustment approve Consent application File B-26/18 to sever a surplus dwelling and four (4) outbuildings (20588 A.D. Shadd Road) on a new 0.73 ha (1.82 ac.) lot, shown as Part 1 on the applicants’ sketch, in Part of Lot 9, Concession 13, in the Community of Raleigh, be approved, subject to the following conditions:**

- a) that the severed and retained parcels be transferred to ER-LI Acres Ltd. as outlined in the Agreement of Purchase & Sale, dated September 28, 2017;**
- 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 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

<b>Committee Member</b>	<b>Vote</b>
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

- 
- (b) Application for Consent (File B-59/18)  
CityView # PL201800114  
Phyllis & Alison Galbraith  
25 Broadway Street  
Part of Lots 6 & 7, Plan 278  
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 applicants were noted as not being present at the meeting.

**File B-59/18**

Moved by Richard Dunlop, Seconded by Ken Stevenson

**“That the Committee of Adjustment approve Consent application File B-59/18 to sever and convey a portion of land, approximately 200 sq. m (2,153.6 sq. ft.) in area, shown as Part 1 on the applicants’ sketch, in Part of Lots 6 & 7, Plan 278, in the Community of Ridgetown, be approved, subject to the following conditions:**

- a) that the lot addition to be severed, shown on the applicants’ sketch as Part 1, be conveyed to the owner of the abutting residential parcel (23 Victoria Street / PIN: 00698-0183) 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

<b>Committee Member</b>	<b>Vote</b>
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

- 
- (c) Applications for Consent (File B-63/18)  
& Minor Variance (File A-42/18)  
CityView #PL201800115  
Roy Garbutt & Mary Jane McKeegan  
4214 Tecumseh Line  
Part of Lot 11, Concession 2  
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 applicants were noted as not being present at the meeting. The purchaser’s solicitor, Jim Wickett, was noted as being present at the meeting.

**File B-63/18**

Ken Stevenson questioned what made a reduction in lot area from 20 ha (50 acres) to 10.5 ha (25.95 acres) minor. Ryan Jacques noted that a minor variance proposal has to meet four (4) tests as prescribed by Section 45(1) of the Planning Act. The four (4) tests are: is the variance minor; is the application desirable for the appropriate development or use of land; does the application maintain the general intent and purpose of the Official Plan; and does the application maintain the general intent and purpose of the Zoning By-law. In this case, the proposal meets the four (4) tests and therefore could be considered minor.

Richard Dunlop inquired if the corner lot next to Tecumseh Line was an existing dwelling. Ryan Jacques noted this dwelling was previously severed off and informed the Committee that the construction of any new dwellings in the future would be restricted on the retained parcel.

Moved by Curtis Carter, Seconded by Mark Spencer

**“That the Committee of Adjustment approve Consent application File B-63/18 to sever a surplus dwelling (4214 Tecumseh Line) on a new 0.30 ha (0.75 ac.) lot, shown as Part 1 on the applicants’ sketch, in Part of Lot 11, Concession 2, in the Community of Tilbury East, 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 outbuilding on the retained parcel, labelled as "FRAME SHED" on the applicants' sketch, be removed;**
- 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 the applicants demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;**
- e) that the severed and retained parcels be transferred to Soix Farms Inc., as outlined in the Agreement of Purchase and Sale, dated April 18, 2018;**
- 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;**
- 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

<b>Committee Member</b>	<b>Vote</b>
Kovacs	Yes
Carter	Yes

<b>Committee Member</b>	<b>Vote</b>
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

**File A-42/18**

Moved by Mark Spencer, Seconded by Richard Dunlop

**“That the Committee of Adjustment approve Minor Variance application File A-42/18, in Part of Lot 11, Concession 2, in the Community of Tilbury East, 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 further reduction in lot area of the retained parcel from 20 ha (50 ac.) to 10.5 ha (25.95 ac.), be approved, without conditions.”**

The Chair put the Motion

<b>Committee Member</b>	<b>Vote</b>
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

- (d) Application for Consent (File B-60/18)  
CityView #PL201800116  
David Randall  
Middle Line  
Part of Lot 5, Concession 12  
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 was noted as not being present at the meeting.

**File B-60/18**

Moved by Ken Stevenson, Seconded by Mark Spencer

“That the Committee of Adjustment approve Consent application File B-60/18 to sever and convey a portion of land, approximately 0.89 ha (2.2 ac.) in area, shown as Parts 3 and 4 on the applicant’s sketch, in Part of Lot 5, Concession 12, 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 Parts 3 and 4, be conveyed to the owner of the abutting agricultural parcel (6052 Middle Line / PIN:00863-0281) 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 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	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

- (e) Application for Consent (File B-61/18)  
CityView #PL201800117  
Orlando & Marie Anne Constancio  
20521 Shewburg Road  
Part of Lot 3, Concession 9  
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 applicants were noted as not being present at the meeting. The purchaser, Wilma Boersma, was noted as being present at the meeting.

**File B-61/18**

Moved by Curtis Carter, Seconded by Richard Dunlop

**“That the Committee of Adjustment approve Consent application File B-61/18 to sever a surplus dwelling (20521 Shewburg Road) on a new 0.6 ha (1.49 ac.) lot, shown as Part 1 on the applicants’ sketch, in Part of Lot 3, Concession 9, in the Community of Howard, be approved, subject to the following conditions:**

- a) that the applicants pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;**
- b) that the applicants demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;**
- c) that the severed and retained parcels be transferred to Mark & Wilma Boersma, as outlined in the Agreement of Purchase and Sale, dated May 25, 2017;**
- d) that the shed on the retained parcel be removed to the satisfaction of the Municipality;**
- e) that all outstanding local improvement charges be paid in full to the satisfaction of the Municipality;**
- f) that the applicants install a new access to the retained parcel over the Ingram Drain, at the applicants’ expense and to the satisfaction of the Municipality;**
- g) 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**
- h) 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

<b>Committee Member</b>	<b>Vote</b>
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

- (f) Application for Minor Variance (File A-40/18)  
 CityView #PL201800118  
 Matthew & Michelle Zoldy  
 156 Berry Street  
 Lot 9, Plan 674  
 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 were noted as not being present at the meeting.

**File A-40/18**

Richard Dunlop asked for clarification on the proposed garage shown on the applicant’s sketch. Ryan Jacques noted that this garage had already been constructed and did not require a Minor Variance application. The encroachment of the covered porch into the established front yard setback was due to the irregular front lot line which followed the bulb on Berry Street.

Moved by Richard Dunlop, Seconded by Ken Stevenson

**“That the Committee of Adjustment approve Minor Variance application File A-40/18, concerning Lot 9, Plan 674 (156 Berry Street), in the Community of Chatham (City), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to grant relief from Section 4.40.1, Established Front Yards, to permit the construction of a 6 m (19.5 ft.) by 2.1 m (7 ft.) covered porch to the front of the existing dwelling, be approved, without conditions.”**

The Chair put the Motion

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

Yes Votes: 5  
 No Votes: 0

**Carried**

- (g) Applications for Consent (File B-62/18)  
 & Minor Variance (File A-41/18)  
 CityView #PL201800119  
 Douglas Depencier  
 Pioneer Line  
 Part of Lot 22, 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.

**File B-62/18**

Jim Kovacs questioned if the lot addition was due to the location of the municipal drain. Ryan Jacques noted the proposed line of severance followed the municipal open drain that divides the subject property in an east-west direction. Currently there is no access across this open drain.

Moved by Ken Stevenson, Seconded by Mark Spencer

**“That the Committee of Adjustment approve Consent application File B-62/18 to sever and convey a portion of land, approximately 1.54 ha (3.82 ac.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lot 22, Concession 4, in the Community of Chatham (Township), as a lot addition, 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 all outstanding local improvement charges be paid in full to the satisfaction of the Municipality;**
- c) that the lot addition to be severed, shown as Part 1 on the applicant’s sketch, be conveyed to the owner of the abutting agricultural parcel (Crafts Line / PIN No. 00740-0189) 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;**
- 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

<b>Committee Member</b>	<b>Vote</b>
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

**File A-41/18**

Moved by Richard Dunlop, Seconded by Curtis Carter

**“That the Committee of Adjustment approve Minor Variance application File A-41/18, in Part of Lot 22, Concession 4, 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(b), Lot Area Minimum, to recognize a further reduction in the area of the retained parcel from 20 ha (49.4 ac.) to 3.12 ha (7.70 ac.), be approved, without conditions.”**

The Chair put the Motion

<b>Committee Member</b>	<b>Vote</b>
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

(h) Applications for Consent (File B-65/18)  
CityView #PL201800124  
Kevin & Patricia Peel  
7272 Grande River Line  
Part of Lot 14, Concession 1  
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 applicants were noted as not being present at the meeting.

**File B-65/18**

Ken Stevenson asked how many acres the property at 7278 Grand River Line would be after the lot addition. Ryan Jacques noted the property would be approximately 6 acres.

Moved by Mark Spencer, Seconded by Ken Stevenson

**“That the Committee of Adjustment approve Consent application File B-65/18 to sever and convey a portion of land, approximately 1.07 ha (2.64 ac.) in area, shown as Part 2 on the applicants’ sketch, in Part of Lot 14, Concession 1, 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 Part 2 on the applicants' sketch, be conveyed to the owner of the abutting rural residential parcel (7278 Grande River Line / PIN 00787-0240) 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 applicants pay \$75 for the registration of the dedication by-law for the one-foot square conveyance;
- 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	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

- (i) Applications for Minor Variance (File A-43/18)  
 CityView #PL201800129  
 Frank & Sara Wiebe  
 21316 Allan Road  
 Lot 24 & Part of Lot 25, Plan 586  
 Community of Wheatley

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 being present at the meeting.

**File A-43/18**

Ryan Jacques informed the Committee that the Municipality received two (2) letters of objection. The submissions raised the following concerns: (1) the size of the proposed building was too large; (2) concerns regarding stormwater run-off; (3) concerns regarding the height of the proposed building and (4) the proposed structure was not consistent with the type and scale of

development in the neighbourhood. It was noted that the Zoning By-law did not regulate the type of construction required, or materials used and all buildings must meet the requirements set out in the Ontario Building Code.

Mark Spencer asked the proposed height of the proposed building. Ryan Jacques noted the maximum permitted height of an accessory building was 5 metres (16.5 ft.), as measured in accordance with the Zoning By-law.

Jim Kovacs questioned due to the size of the proposed build: (1) how would the surface run-off be managed and (2) was any commercial operation within the garage being proposed. Ryan Jacques noted stormwater run-off was to be managed on the subject property and home base businesses were not allowed in accessory buildings on residential properties.

Curtis Carter noted he felt a 10% lot coverage was allowable but a 12.5% was a bit large.

Mr. & Mrs. Wiebe addressed the Committee and noted the use of the proposed garage would be for storage and the height of the garage would be 15 feet to the roof peak.

Ryan Jacques informed the Committee that the setback from Talbot Trail was 3.5 metres and the applicants would be required to maintain this setback.

Moved by Mark Spencer, Seconded by Ken Stevenson

**“That the Committee of Adjustment approve Minor Variance application File A-43/18, concerning Lot 24 and Part of Lot 25, Plan 586 (21316 Allan Road), in the Community of Wheatley, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.2(2), total lot coverage of all accessory buildings or structures on a lot, to allow a new garage to be erected on the subject property at lot coverage of up to 14%, be approved, without conditions.”**

The Chair put the Motion

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

Yes Votes: 3

No Votes: 2

**Carried**

- 
- (j) Applications for Minor Variance (File A-44/18)  
CityView #PL201800132  
Allen Potvin & Libby Buchanan  
48 Albert Street

Part of Lot 12 & 13, Plan 109  
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 being present at the meeting.

**File A-44/18**

Richard Dunlop noted the rear yard of the subject property appeared to already be filled with buildings. Libby Buchanan addressed the Committee indicating the shed at the back had already been removed and the other one would likely be removed during construction.

Moved by Curtis Carter, Seconded by Richard Dunlop

**“That the Committee of Adjustment approve Minor Variance application File A-44/18, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.6.2 (b), Rear Yard Depth Minimum, to reduce the rear yard setback from 8 m (26.2 ft.) to 5.8 m (19 ft.) to permit the construction of an addition to the rear of the existing dwelling, in Part of Lot 12 & Lot 13, Plan 109, in the Community of Harwich, be approved, without conditions.”**

The Chair put the Motion

<b>Committee Member</b>	<b>Vote</b>
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

---

(k) Application for Minor Variance (File A-45/18)  
CityView #PL201800133  
Mary Shadd  
138 Peel Street  
Lot 11, Plan 109  
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. The applicant’s agent, Frank Vancouveren, was noted as being present at the meeting.

**File A-45/18**

Moved by Curtis Carter, Seconded by Mark Spencer

**“That the Committee of Adjustment approve Minor Variance application File A-45/18, concerning Lot 11, Plan 109 (138 Peel Street), in the Community of Harwich (Shrewsbury), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to grant relief from Section 4.40.1, Established Front Yards, to permit the construction of an approximately 5.8 m (19 ft.) by 6.4 m (21 ft.) addition to the front of the existing dwelling, be approved, without conditions.”**

The Chair put the Motion

<b>Committee Member</b>	<b>Vote</b>
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

**Carried**

- 
- (I) Application for Minor Variance (File A-46/18)  
CityView #PL201800134  
Robert & Gail Porter  
10 Albert Street  
Lot 3, Plan 109  
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 being present at the meeting.

**File A-46/18**

Moved by Curtis Carter, Seconded by Richard Dunlop

**“That the Committee of Adjustment approve Minor Variance application File A-46/18, in Lot 3, Plan 109, in the Community of Harwich (Shrewsbury), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.40.1, Established Front Yards, to reduce the front yard setback from 12.3 m (40.3 ft.) to 10.4 m (34.1 ft.), to permit the construction of a new single detached dwelling, be approved, without conditions.”**

The Chair put the Motion

<b>Committee Member</b>	<b>Vote</b>
Kovacs	Yes
Carter	Yes
Dunlop	Yes
Spencer	Yes
Stevenson	Yes
Suitor	Absent

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., October 25, 2018 - Council Chambers

---

**Adjournment:**

Moved by Curtis Carter, Seconded by Richard Dunlop

**“That the Committee of Adjustment Citizen Panel adjourn at 10:13 a.m.”**