

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Council Chambers, Civic Centre
February 28, 2019 - 9:00 a.m.**

The Committee of Adjustment met on the above date with the following members present:
Members Jim Kovacs, Chair, Richard Dunlop, Ken Stevenson and Nathaniel Suitor

Regrets: Curtis Carter

Also in attendance were Ryan Jacques, Manager; Anthony Jas, Planner I; and Wendy McFadden, 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 Nathaniel Suitor

“That the Minutes of the Committee of Adjustment Citizen Panel held on January 24, 2019 be approved.”

Carried

Business Arising From the Minutes:

None

Hearing Of Applications:

- (a) Application for Consent (File B-01/19)
CityView #PL201900001
Public Utilities Commission
6780 Base Line
Part of Lot 1, Concession 19
Community of Wallaceburg

The Chair asked if any person from the public had an interest in the application. There were members from the public as being present with an interest in the matter. The applicant's Legal Counsel, David Taylor was noted as being present at the meeting.

Ryan Jacques informed the Committee that a letter of objection had been received from the Solicitors for Tatro Properties Ltd., the owners of one of the adjacent parcels to the subject

lands. The Committee received a copy of the letter for review and a map showing the subject and surrounding properties.

Mr. David Kirwin, Solicitor for Tatro Properties Ltd., addressed the Committee and noted that a portion of his client's land at 6850 Base Line was farmed, and a portion of the subject property was used to access it. Administration noted that the property at 6850 Base Line maintained access from an improved public street. Also that there was no easement identified as being Registered on Title.

Mr. Chris Duchene, 75 Mason Street, Wallaceburg, addressed the Committee and expressed his concern that the use of the subject property may produce an odour. Administration noted that a digester under the current industrial zone was permitted and that the zoning was not under consideration to the Committee today.

File B-01/19

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-01/19 to sever and convey a portion of land, approximately 3.3 ha (8.2 ac.) in area, shown as Part 1 on Plan 24R-10511, in Part of Lot 1, Concession 19 (Chatham Township), in the Community of Wallaceburg, as a lot addition, be approved, subject to the following conditions:

- a) that the lot addition to be severed, shown as Part 1 on 24R-10511, be conveyed to the owner of the abutting parcel (6800 Base Line / PIN: 00760-0121) 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 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	Absent
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 4

No Votes: 0

Carried

- (b) Applications for Consents (File B-02/19)
& (File B-09/19)
CityView # PL201900002
David Michael Robbins
6375 Ninth Line
Part of Lots 7 & 8, Concession 8
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 being present at the meeting.

File B-02/19

Ken Stevenson questioned if the surplus dwelling and the qualifying property were the same property – at 6375 Ninth Line, Community of Raleigh. Anthony Jas noted there was an error in the planning report. The surplus dwelling was located at 6375 Ninth Line and the qualifying property was located at 21950 A.D. Shadd Road, Community of Raleigh.

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-02/19 to sever a surplus dwelling (6375 Ninth Line) on a new 0.49 ha (1.21 ac.) lot, shown as Part 1 on the applicant’s sketch, in Part of Lots 7 and 8, Concession 8, in the Community of Raleigh, 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; 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	Absent
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 4

No Votes: 0

File B-09/19

Moved by Richard Dunlop, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-09/19, to establish a permanent easement over Parts 2 and 4 on the applicant’s sketch, in favour of the severed surplus dwelling lot (6375 Ninth Line), in Part of Lots 7 and 8, Concession 8, in the Community of Raleigh, for access to a water well, 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	Yes
Carter	Absent
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 4

No Votes: 0

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- (c) Application for Consent (File B-05/19)
& File (B-06/19) & Minor Variance (File A-01/19)
CityView #PL201900004
Renwick Ridgeview Acres Inc.
1845 & 1849 Talbot Trail
Part of Lot 206, 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 was noted as not being present at the meeting.

File B-05/19

Ken Stevenson questioned where the other outbuilding was located. Anthony Jas noted as shown in Appendix A the second outbuilding would remain with the retained farm parcel.

Moved by Richard Dunlop, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-05/19 to sever a surplus dwelling (1845 Talbot Trail) on a new 0.26 ha (0.64 ac.) lot, shown as Part 1 on the applicant’s sketch, in Part of Lot 206, 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 pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;**
- c) that the applicant 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; 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

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

Yes Votes: 4
No Votes: 0

Carried

File B-06/19

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-06/19 to sever a surplus dwelling (1849 Talbot Trail) on a new 0.12 ha (0.30 ac.) lot, shown as Part 2 on the applicant’s sketch, in Part of Lot 206, 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 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; 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	Absent
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 4

No Votes: 0

Carried

File A-01/19

Moved by Nathaniel Suitor, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-01/19, in Part of Lot 206, 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, Lot Area Minimum, to recognize the reduction in lot area of the retained parcel from 20.2 ha (50 ac.) to 19.11 ha (47.23 ac.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 0

Carried

- (d) Application for Consent (File B-08/19)
CityView #PL201900007
Mark Van Eerd Farming Ltd.
8300 Tenth Line
Part of Lot 23, Concession 10
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.

Ken Stevenson questioned if 8300 Tenth Line was the correct address for the subject property. Anthony Jas confirmed that 8300 Tenth Line was the correct address.

File B-08/19

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-08/19 to sever a surplus dwelling (8300 Tenth Line) on a new 0.77 ha (1.9 ac.) lot, shown as Parts 1 & 2 on the applicant’s sketch, in Part of Lot 23, Concession 10, in the Community of Raleigh, together with a permanent easement over Part 2 on the applicant’s sketch, in favour of the retained parcel, for access, 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; 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	Absent
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 4
No Votes: 0

Carried

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- (e) Application for Consent (File B-11/19)
& Minor Variance (File A-04/19)
CityView #PL201900009
Terry & Mary Rabideau
Base Line Road
Part of Lot 3, Concession 18

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 applicants were noted as being present at the meeting.

File B-11/19

Moved by Richard Dunlop, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-11/19 to sever and convey a portion of land, approximately 0.15 ha (0.37 ac.) in area, shown as Part 1 on the applicants’ sketch, in Part of Lot 3, Concession 18, in the Community of Chatham (Township), 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 lot addition to be severed, shown on the applicants’ sketch as Part 1, be conveyed to the owner of the abutting residential parcel (7056 Base Line Road / PIN: 00760-0291) 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;
- 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	Absent
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 4

No Votes: 0

Carried

File A-04/19

Moved by Nathaniel Suitor, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-04/19, in Part of Lot 3, Concession 18, in the Communities of Wallaceburg and 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 the further reduction in lot area of the retained parcel from 20 ha (49.4 ac.) to 19.5 ha (48.35 ac.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 0

Carried

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- (f) Application for Consent (File B-12/19)
CityView #PL201900010
Terry & Mary Rabideau
8336 Wren Line
Part of Lot 3, Concession 18
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 being present at the meeting.

File B-12/19

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-12/19 to create a permanent easement over Part 1 on the applicants’ sketch, in favour of the property to the north (8355 Wren Line / PIN: 00761-0045), in Part of Lot 3, Concession 18, in the Community of Dover, to provide access to a private water well, 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	Yes
Carter	Absent
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 4

No Votes: 0

Carried

- (g) Application for Consent (File B-13/19)
 CityView #PL201900013
 Janovicek Farms Limited
 10561 Claymore Line
 Part of Lot 16, Concession 8
 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-13/19

Moved by Nathaniel Suitor, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-13/19 to sever a surplus dwelling and two (2) outbuildings (10561 Claymore Line) on a new lot, approximately 0.34 ha (0.83 ac.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lot 16, Concession 8, in the Community of Chatham (Township), be approved, subject to the following conditions:

- a) that the applicant demonstrates the septic system on the severed parcel is functioning in accordance with Municipal Protocol;**
- b) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;**
- 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

Committee Member	Vote
Carter	Absent
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 4

No Votes: 0

Carried

(h) Application for Consent (File B-14/19)
 & Minor Variance (File A-03/19)
 CityView #PL201900015
 Robert Thomas
 29024 Sharrow Road
 Part of Lot 1, 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 applicant was noted as not being present at the meeting.

Jim Kovacs questioned with the proposed boundary adjustment were there any issues with the location of septic systems or weeping beds. Anthony Jas noted that both properties have municipal water and each have their own septic systems and the properties were large enough to maintain on each of their own lots.

File B-14/19

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Consent application File B-14/19 to sever and convey a portion of land, approximately 233 sq. m (2,507 sq. ft.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lot 1, Concession 10, in the Community of Camden, 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 the lot addition to be severed, shown as Part 1 on the applicant’s sketch, be conveyed to the owner of the abutting parcel (29030 Sharrow Road / PIN: 00617-0048) 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 subject of this consent;**
- 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	Absent
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 4

No Votes: 0

Carried

File A-03/19

Moved by Nathaniel Suitor, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-03/19, in Part of Lot 1, Concession 10, in the Community of Camden, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to grant relief from Section 5.6.2, Lot Area Minimum, to recognize the reduced lot area of the retained parcel from 1,858 sq. m (20,000 sq. ft.) to 1,809 sq. m (19,472 sq. ft.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 0

Carried

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- (i) Application for Consent (File B-16/19)
& Minor Variance (File A-05/19)
CityView #PL201900017
Peter Sheldrick
9 Victoria Avenue & 143 Thomas Street
Lot 1 & Part of Lot 20, Block G, Plan 2
Community of Chatham

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.

Jim Kovacs noted the minor variance was to recognize the reduced lot areas minimum but there was no mention of parking. Anthony Jas noted no additional parking was required.

Linda Shaw addressed the Committee and asked for confirmation that any existing easement over the laneway on the subject lands, in favour of adjacent parcels, would not be compromised by the Consent application. Administration noted that the proposal would not impact any easements registered on Title of the subject lands.

File B-16/19

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-16/19 to sever and convey an existing mixed-use commercial/residential property (9 Victoria Avenue), approximately 423.1 sq. m (4,554.26 sq. ft.) in area, shown as Part 1 on the applicant’s sketch, in Lot 1 and Part of Lot 20, Block G, Plan 2, in the Community of Chatham (City), be approved, subject to the following conditions:

- a) that the severed and retained parcels comply with the regulations of the Chatham-Kent Zoning By-law;**
- 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	Absent
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 4

No Votes: 0

Carried

File A-05/19

Moved by Nathaniel Suitor, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-05/19, concerning 9 Victoria Avenue & 143 Thames Street, in Lot 1 and Part of Lots 2, 19 & 20, Block G, Plan 2, in the Community of Chatham (City), to grant relief from Section 5.10.2, Regulations, of the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- i) recognize the reduced Lot Area Minimum of the severed parcel from 464.5 sq. m (5,000 sq. ft.) to 423.1 sq. m (4,554.26 sq. ft.);
- ii) recognize the reduced Lot Area Minimum of the retained parcel from 464.5 sq. m (5,000 sq. ft.) to 253.15 sq. m (2,724.9 sq. ft.);
- iii) recognize the reduced Rear Yard Depth Minimum on the severed parcel from 7.62 m (25 ft.) to 6.86 m (22.5 ft.); and
- iv) recognize the reduced Lot Frontage of the retained parcel from 15.24 m (50.0 ft.) to 13.41 m (44.0 ft.);

be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 0

Carried

- (j) Application for Minor Variance (File A-02/19)
CityView #PL201900018
Shaun Deprez
10355 Fairview Line
Part of Lot 14, Concession 3 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 applicant was noted as being present at the meeting.

File A-02/19

Richard Dunlop questioned if the proposed addition was included in the total lot coverage. Anthony Jas noted the proposed addition was included bring the total lot coverage to

approximately 14%.

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-02/19, in Part of Lot 14, Concession 3 RTS, (10355 Fairview Line), in the Community of Harwich, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.2(2), Accessory Uses, Lot Coverage, to permit a total lot coverage of all accessory buildings or structures of 14%, to allow a new addition to the existing storage shed on the subject property, be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

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., March 28, 2019 - Council Chambers

Adjournment:

Moved by Richard Dunlop, Seconded by Nathaniel Suitor

“That the Committee of Adjustment Citizen Panel adjourn at 10:04 a.m.”