

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Council Chambers, Civic Centre
January 24, 2019 - 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, Ken Stevenson and Nathaniel Sutor

Regrets: None

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*.

Election Of Chair For The 2019 – 2022 Term:

Moved by Curtis Carter, Seconded by Ken Stevenson

“That Jim Kovacs be nominated for Chair for the Committee of Adjustment for the 2019-2022 term”

Carried

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 December 20, 2018 be approved.”

Carried

Business Arising From the Minutes:

None

Hearing Of Applications:

- (a) Application for Consent (File B-68/18)
CityView #PL201800141
Doug & Suzanne Kennedy
8422 John Park Line
Part of Lot 25, Concession 1

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 not being present at the meeting.

File B-68/18

Moved by Richard Dunlop, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-68/18 to sever a surplus dwelling (8422 John Park Line) on a new 0.52 ha (1.28 ac.) lot, shown as Part 1 on the applicants’ sketch, in Part of Lot 25, Concession 1, in the Community of Chatham (Township), 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 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
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

No Votes: 0

Carried

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- (b) Applications for Consent (File B-85/18)
CityView # PL201800173
Foxburg Enterprises Inc.
7652 Angler Line
Part of Lots 16 & 17, Concession 11
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’s agent, David French, was noted as being present at the meeting.

File B-85/18

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-85/18 to sever a surplus dwelling (7652 Angler Line) on a new 0.55 ha (1.35 ac.) lot, shown as Part 1 on the applicant’s sketch, in Part of Lots 16 & 17, Concession 11, in the Community of Dover, and to permit a partial discharge of the existing mortgage, 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 the applicant install a new access to the retained parcel over the Dunlop Drain, at the applicant’s expense, and to the satisfaction of the Municipality;**
- 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	Yes
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

No Votes: 0

Carried

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- (c) Application for Consent (File B-86/18)
CityView #PL201800175
Wilson Holme Ltd.
Fargo Road
Part of Lot 25, Concession 2
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’s agent, David French, was noted as being present at the meeting.

File B-86/18

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-86/18 to sever and convey a portion of land, approximately 0.06 ha (0.16 ac.) in area, shown as Part 3 on the applicant’s sketch, in Part of Lot 25, Concession 2, in the Community of Harwich, as a lot addition, be approved, subject to the following conditions:

- a) that the lot addition to be severed, shown as Part 3 on the applicant’s sketch, be conveyed to the owner of the abutting parcel (21572 Fargo Road/PIN: 00897-0051) 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 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;**
- 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
Stevenson	Yes
Suitor	Yes

Yes Votes: 5
No Votes: 0

Carried

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- (d) Application for Consent (File B-80/18)
CityView #PL201800176
Ford Bros Contractors (1993) Inc.
487 Sydenham Street
Part of Lot 3, Concession 5
Community of Dresden

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-80/18

Moved by Richard Dunlop, Seconded by Nathaniel Sutor

“That the Committee of Adjustment approve Consent application File B-80/18 to sever and convey a new residential lot, approximately 0.30 ha (0.75 ac.) in area, shown as Part 2 on the applicant’s sketch, known as 487 Sydenham Street, in Part of Lot 3, Concession 5, in the Community of Dresden, be approved, subject to the following conditions:

- a) that a new municipal water service connection to the severed parcel be installed at the applicant’s expense and to the satisfaction of the Municipality;**
- b) that the location of existing sanitary sewer connections be confirmed, and if absent, that new service connections to the severed parcel be installed at the applicant’s expense and to the satisfaction of the Municipality;**
- c) that the existing gravel driveway on the subject property be relocated to be fully contained within the retained parcel, at the applicant’s expense, and to the satisfaction of the Municipality;**
- d) that the applicant pay \$500 cash-in-lieu of parkland dedication;**
- 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; and**
- 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
Stevenson	Yes
Sutor	Yes

Yes Votes: 5
No Votes: 0

Carried

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- (e) Application for Certificate of Validation under Section 57 of the Planning Act (File B-87/18)
CityView #PL201800177
Daniel & Annette Jones
16 Vanier Drive
Part of Lot 15, Plan 651

Community of Tilbury

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-87/18

Curtis Carter questioned why it was validated. Anthony Jas noted the facts and title history provided by the applicants, was attached as Appendix C to the Planning Report. The subject property was transferred in contravention of the Planning Act. Subsequently, the abutting parcel containing the connecting semi-detached dwelling unit was also transferred in contravention of the Planning Act.

Jim Kovacs noted that at the time the property was in Land Registry was it possible the property was never changed into Lands Title. Ryan Jacques noted that may have been the case, however it is more likely that the validation is required because the property was not subdivided in a way that allowed its conveyance in this situation.

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Validation of Title application File B-87/18, for lands located at 16 Vanier Drive, described as Part of Lot 15, Plan 651, in the Community of Tilbury, be approved, and a Certificate of Validation be issued.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

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- (f) Application for Minor Variance (File A-57/18)
CityView #PL201800179
East Grand Properties Inc.
281 Grand Avenue East
Lot 10, Plan 32, Lots 1, 2 & 5 to 9 and
Part of Lot 3, Blk A, Plan 26
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 not being present at the meeting.

File B-57/18

Jim Kovacs inquired whether the canopies in question are the ones that are existing there now. Anthony Jas noted that was correct.

Moved by Nathaniel Suitor, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-57/18, in Lot 10, Plan 32; Lots 1, 2 & 5 to 9, and Part of Lot 3, BLK A, Plan 26, in the Community Chatham (City), 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 (25.0 ft.) to 5.74 m (18.8 ft.), to permit new canopies along the front face of the existing commercial building, be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

(g) Application for Minor Variance (File A-56/18)
CityView #PL201800180
Scott & Cheryl McCabe
1275 Kerr Avenue
Lot 71, Plan 755
Community of Erieau

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-56/18

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-56/18, concerning Lot 71, Plan 755 (1275 Kerr Avenue), in the Community of Erieau, to provide

relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.6.2(b), Interior Side Yard Width Minimum, to reduce the required side yard setback from the easterly property line from 3.0 m (9.84 ft.) to 1.5 m (5.0 ft.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

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- (h) Application for Consent (File A-88/18)
CityView #PL201800182
Larry & Kathryn Janssens
432 Water Street
Part of Lot 12, Concession 3 Gore
Community of Chatham Township

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 B-88/18

Al Kerkhof addressed the Committee nothing he was the property owner at 420 Water Street and had no objections to the application.

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-88/18, to create a permanent easement in favour of the property located at 420 Water Street (PIN: 00588-0167), to provide access to a private water connection to the municipal piped water supply, over lands shown as Part 1 on the applicants’ sketch, in Part of Lot 12, Concession 3 Gore, in the Community of Chatham Township, be approved, subject to the following conditions:

- 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	Yes
Dunlop	Yes
Stevenson	Yes
Suitor	Yes

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., February 28, 2019 - Council Chambers

Adjournment:

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment Citizen Panel adjourn at 9:33 a.m.”