

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Council Chambers, Civic Centre
March 28, 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 and Ken Stevenson

Regrets: Nathaniel Sutor

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 Ken Stevenson, Seconded by Richard Dunlop

“That the Minutes of the Committee of Adjustment Citizen Panel held on February 28, 2019 be approved.”

Carried

Business Arising From the Minutes:

None

Hearing Of Applications:

- (a) Application for Consent (File B-20/19), (File B-21/19),
(File B-22/19), (File B-23/19) & Minor Variance (File A-08/19)
CityView #PL201900014
Lucien & Jean-Marie Laprise
7312, 7314 & 7338 Belle Rose Line
Part of Lot 14, Concession 5
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 as being present with an interest in the matter. The applicants were noted as not being present at the meeting.

File B-20/19

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-20/19 to sever a surplus dwelling and two (2) outbuildings (7312 Belle Rose Line) on a new lot, approximately 0.69 ha (1.70 ac.) in area, shown as Part 1, 6 & 7 on the applicants’ sketch, together with a permanent easement, over Parts 6 & 7, in favour of the adjacent parcel to the east (7314 Belle Rose Line), for access to a water well and shared driveway, in Part of Lot 14, Concession 5, in the Community of Dover, 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 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 Lucien & Jean Marie Laprise, as outlined in the Agreement of Purchase and Sale, dated January 4, 2019;**
- 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

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

Yes Votes: 4

No Votes: 0

Carried

File B-21/19

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Consent application Consent application File B-21/19 to sever a surplus dwelling and two (2) outbuildings (7314 Belle Rose Line) on a new lot, approximately 0.69 ha (1.70 ac.) in area, shown as Parts 2 & 8 on the applicants’ sketch, together with a permanent easement, over Part 8, in favour of the

adjacent parcel to the west (7312 Belle Rose Line), for access to a shared driveway, in Part of Lot 14, Concession 5, in the Community of Dover, 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 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 Lucien & Jean Marie Laprise, as outlined in the Agreement of Purchase and Sale, dated January 4, 2019;
- 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

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

Yes Votes: 4

No Votes: 0

Carried

File B-22/19

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-22/19 to sever a surplus dwelling and one (1) outbuilding (7338 Belle Rose Line) on a new lot, approximately 0.69 ha (1.71 ac.) in area, shown as Part 3 on the applicants’ sketch, in North Part of Lot 14, Concession 5, in the Community of Dover, 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 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 Lucien & Jean Marie Laprise, as outlined in the Agreement of Purchase and Sale, dated January 4, 2019;
- 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

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

Yes Votes: 4

No Votes: 0

Carried

File B-23/19

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-23/19 to sever and convey a portion of land, approximately 10.1 ha (25 ac.) in area, shown as Part 4 on the applicants’ sketch, in Part of Lot 14, Concession 5, in the Community of Dover, 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 applicants pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
- c) that the lot addition to be severed, shown on the applicants’ sketch as Part 4, be conveyed to the owner of the abutting parcel (7436 Belle Rose Line / PIN: 00779-0059) 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;
- 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	Absent

Yes Votes: 4

No Votes: 0

Carried

File A-08/19

Moved by Richard Dunlop, Seconded by Curtis Carter

“That the Committee of Adjustment approve Minor Variance application File A-08/19, in North Part of Lot 14, Concession 5, in the Community of Dover, 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 20.0 ha (49.4 ac.) to 19.39 ha (47.91 ac.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 0

Carried

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- (b) Applications for Consent (File B-15/19)
CityView # PL201900016
Riverside Hill Farms Inc.
29872 Gould Road
Part of Lot 9, Concession 9 (Gore)
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.

File B-15/19

Jim Kovacs questioned whether the municipal drain divided the property into two pieces. Anthony Jas noted the creek did not divide the lot.

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Consent application File B-15/19 to sever and convey a portion of land, approximately 12.03 ha (29.73 ac.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lot 9, Concession 9 (Gore), in the Community of Camden, as a lot addition, be approved, subject to the following conditions:

- a) 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 (PIN: 00618-0003) 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;**
- 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	Absent

Yes Votes: 4

No Votes: 0

Carried

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- (c) Application for Consent (File B-17/19)
& Minor Variance (File A-11/19)
CityView #PL201900019
John R. McKinlay
23254 McKinlay Road
Part of Lot 11, Concession 6
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 applicant was noted as not being present at the meeting.

File B-17/19

Moved by Curtis Carter, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Consent application File B-17/19 to sever and convey a portion of land, approximately 0.09 ha (0.23 ac.) in area, shown as Part 1 on the applicant’s sketch, in North Part of Lot 11, Concession 6, in the Community Tilbury East, 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 on the applicant’s sketch as Part 1, be conveyed to the owner of the abutting parcel (23240 McKinlay Road / PIN: 00809-0131) 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;**
- 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	Absent

Yes Votes: 4

No Votes: 0

Carried

File A-11/19

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-11/19, in North Part of Lot 11, Concession 6, 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 reduction in lot area of the retained parcel from 20 ha (49.4 ac.) to 7.21 ha (17.8 ac.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 0

Carried

- (d) Application for Consent (File B-18/19)
& Minor Variance (File A-06/19)
CityView #PL201900020
Soiex Farms Inc.
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 applicant's solicitor was noted as being present at the meeting.

File B-18/19

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-18/19 to sever and convey a portion of land, approximately 0.26 ha (0.65 ac.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lot 11, Concession 2, in the Community of Tilbury East, 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 on the applicant’s sketch as Part 1, be conveyed to the owner of the abutting parcel (4208 Tecumseh Line / PIN: 00788-0077) 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 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;
- 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

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

Yes Votes: 4

No Votes: 0

Carried

File A-06/19

Moved by Curtis Carter, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-06/19, 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 reduction in lot area of the retained parcel from 10.5 ha (25.95 ac.) to 10.24 ha (25.30 ac.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 0

Carried

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- (e) Application for Consent (File B-19/19)
CityView #PL201900021
Robert Barron
10208 Longwoods Road
Part of Lots 13 & 14, 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 applicant was noted as not being present at the meeting.

File B-19/19

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-19/19 to sever and convey a portion of land, approximately 0.30 ha (0.75 ac.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lots 13 and 14, Concession 1, in the Community of Chatham Township, as a lot addition, be approved, subject to the following conditions:

- a) 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 (PIN No. 00739-0124) 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;**
- 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	Absent

Yes Votes: 4

No Votes: 0

Carried

- (f) Application for Consent (File B-25/19)
CityView #PL201900022
Harry Lawson
13657 Zone Centre Line
East Part of Lot 9, Concession 3
Community of Zone

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-25/19

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-25/19 to sever and convey an existing agricultural parcel, approximately 20.2 ha (50.0 ac.) in area, described as East Part of Lot 9, Concession 3, in the Community of Zone, 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	Yes
Dunlop	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 4

No Votes: 0

Carried

(g) Application for Consent (File A-07/19)
CityView #PL201900023
Stephen Jones
283 Oak Street East
Lot 127 & 128, Plan 141
Community of Bothwell

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 A-07/19

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-07/19, in Lots 127 & 128, Plan 141, in the Community of Bothwell, 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 8.41 m (27.6 ft.) to 7.62 m (25.0 ft.), to permit an addition to a single detached dwelling, be approved, without conditions.”

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes
Carter	Yes

Committee Member	Vote
Dunlop	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 4

No Votes: 0

Carried

(h) Application for Minor Variance (File A-10/19)

CityView #PL201900024

Deborah McMillan

88 Brander Avenue

Part of Lots 159, 160 & 161, Plan 430

Community of Wallaceburg

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-10/19

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-10/19, in Part of Lots 159, 160 and 161, Plan 430, in the Community of Wallaceburg, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.2(3), Accessory Uses, Height Restrictions, to increase the permitted height from 5 m (16.4 ft.) to 5.3 m (17.4 ft.), for an accessory structure 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
Stevenson	Yes
Suitor	Absent

Yes Votes: 4

No Votes: 0

Carried

(i) Application for Minor Variance (File A-09/19)

CityView #PL201900025

Brian & Lisa Williams

6881 River View Line

Part of Lot 11, Front Concession
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' Contractor was noted as being present at the meeting.

File A-09/19

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Minor Variance application File A-09/19, in Part of Lot 11, Front Concession, (6881 River View Line), in the Community of Raleigh, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.2(3), Accessory Uses, Height Restrictions, to permit an accessory building with a height of 5.6 m (18.4 ft.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 0

Carried

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- (j) Application for Minor Variance (File A-12/19)
CityView #PL201900026
Jeffery & Jennifer Lozon
25 Chestnut Drive
North Part of Lot 52, Plan 404
Community of Wallaceburg

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-12/19

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-12/19, in North Part of Lot 52, Plan 505, in the Community of Wallaceburg, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.1.2(b), Interior

Side Yard Width Minimum, to reduce the southerly interior side yard setback from 3.05 m (10 ft.) to 1.48 m (4.9 ft.), be approved, without conditions.”

The Chair put the Motion

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

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., April 25, 2019 - Council Chambers

Adjournment:

Moved by Curtis Carter, Seconded by Ken Stevenson

“That the Committee of Adjustment Citizen Panel adjourn at 9:45 a.m.”