

The Corporation Of The Municipality Of Chatham-Kent

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

Regrets: Mark Spencer

Also in attendance were Bruce McAllister, Director, 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 Richard Dunlop

“That the Minutes of the Committee of Adjustment Citizen Panel held on May 24, 2018 be approved.”

Carried

Business Arising From the Minutes:

None

Hearing Of Applications:

- (a) Application for Consent (File B-34/18)
& Minor Variance (File A-20/18)
CityView #PL201800055
1031177 Ontario Limited
12516 Cider Mill Line
Part of Lots 6 & 7, Concession 13 W
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.

Richard Dunlop questioned whether the Conservation Authority had been circulated for comments due to the proximity to the Sydenham River. Anthony Jas noted the Conservation Authority was not circulated for comments as this proposal would have no impact on either the land or water.

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

File B-34/18

“That the Committee of Adjustment approve Consent application File B-34/18 to sever a surplus dwelling (12516 Cider Mill Line) and four (4) outbuildings on a new lot, approximately 0.37 ha (0.92 ac.) in area, shown as Part 1 the applicant’s sketch, in Part of Lots 6 and 7, Concession 13 W, in the Community of Camden, 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 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;**
- 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	Absent
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

No Votes: 0

Carried

Moved by Richard Dunlop, Seconded by Ken Stevenson

File A-20/18

“That the Committee of Adjustment approve Minor Variance application File A-20/18, in Part of Lots 6 and 7, Concession 13 W, in the Community of Camden, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.21.2 (b), to:

- a) recognize the further reduction in Lot Area Minimum of the retained parcel from 8.49 ha (20.98 ac.) to 8.12 ha (20.06 ac.);
- b) reduce the Rear Yard Depth Minimum of the outbuilding on the severed parcel, labelled “Frame Barn” on the applicant’s sketch, from 4 m (13.1 ft.) to 3.05 m (10 ft.);
- c) reduce the Interior Side Yard Width Minimum of the outbuilding on the severed parcel, labelled “Frame Barn” on the applicant’s sketch, from 4 m (13.1 ft.) to 3.05 m (10 ft.);

be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

- (b) Application for Consent (File B-35/18)
& Minor Variance (File A-21/18)
CityView # PL201800060
Blake Donais
48 Crawford Avenue & 50 Crawford Avenue
Part of Lots 42 & 43, Plan 356, and Lot 41,
Part of Lot 42, Plan 356
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 applicant was noted as not being present at the meeting.

Moved by Curtis Carter, Seconded by Richard Dunlop

File B-35/18

“That the Committee of Adjustment approve Consent application File B-35/18 to sever and convey an existing residential property (48 Crawford Avenue), approximately 557.4 sq. m (6000 sq. ft.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lots 42 & 43, Plan 356, in the Community of Tilbury, 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;
- 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
Spencer	Absent
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

No Votes: 0

Carried

Moved by Nathaniel Suitor, Seconded by Ken Stevenson

File A-21/18

“That the Committee of Adjustment approve Minor Variance application File A-21/18, concerning Part of Lots 42 & 43, Plan 356, and Lot 41, Part of Lot 42, Plan 356, in the Community of Tilbury, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) grant relief from Section 5.1.2 (b), Lot Frontage Minimum, for the severed parcel (48 Crawford Ave), to recognize the reduction in the lot frontage minimum from 17.98 m (59 ft.) to 15.24 m (50 ft.);
- b) grant relief from Section 5.1.2 (b), Lot Frontage Minimum, for the retained parcel (50 Crawford Ave), to recognize the reduction in the lot frontage minimum from 17.98 m (59 ft.) to 15.24 m (50 ft.),

be approved, without conditions”

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes
Carter	Yes
Dunlop	Yes

Committee Member	Vote
Spencer	Absent
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

No Votes: 0

Carried

- (c) Applications for Minor Variance (File A-22/18)
 CityView #PL201800061
 Richard Gordon
 1293 4th Concession Line
 Part of Lot 11, Concession 4; described as Part 3
 on Plan 24R-5851
 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 A-22/18

Moved by Curtis Carter, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-22/18, in Part of Lot 11, Concession 4; described as Part 3 on Plan 24R-5851, in the Community of Romney, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.2(2), maximum lot coverage of all accessory buildings or structures on a lot, to allow a new greenhouse to be erected on the subject property, be approved, subject to the following conditions:

- a) that the maximum total lot coverage of all accessory buildings or structures on the subject property is 22%; and
- b) that the minimum interior side yard setback and minimum rear yard setback for the proposed greenhouse be 6.09 m (20 ft.).”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

- (d) Application for Consent (File B-37/18)
CityView #PL201800063
Tim & Barbara Caron
6557 St. Philippe Line
Part of Lot 8, Concession 9
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.

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-37/18 to sever and convey a portion of land, approximately 0.04 ha (0.10 ac.) in area, shown as Part 3 on the applicants’ sketch, in Part of Lot 8, Concession 9, 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 3 on the applicants’ sketch, be conveyed to the owner of the abutting rural residential parcel (6597 St. Philippe Line / PIN 00769-0051) 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 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
Spencer	Absent
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

No Votes: 0

Carried

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- (e) Applications for Consent (File B-39/18)
& Minor Variance (File A-23/18)
CityView #PL201800064
Phil & Janice Bultje
8753 Pioneer Line
Part of Lot 2, 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 applicants were noted as not being present at the meeting.

Moved by Curtis Carter, Seconded by Ken Stevenson

File B-39/18

“That the Committee of Adjustment approve Consent application File B-39/18 to sever a surplus dwelling (8753 Pioneer Line) on a new 0.38 ha (0.95 ac.) lot, shown as Parts 1, 2 & 3 on the applicants’ sketch, in Part of Lot 2, Concession 4, in the Community of Chatham (Township), 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 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 severed and retained parcels be transferred to Brad Blonde, as outlined in the Agreement of Purchase and Sale dated April 3, 2018;**
- d) that the applicants demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;**
- 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;**
- 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
Spencer	Absent

Committee Member	Vote
Stevenson	Yes
Suitor	Yes

Yes Votes: 5
No Votes: 0

Carried

Moved by Richard Dunlop, Seconded by Curtis Carter

File A-23/18

“That the Committee of Adjustment approve Minor Variance application File A 23/18, in Part of Lot 2, Concession 4, in the Community of Chatham (Township), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) grant relief from Section 5.21.2, Lot Area Minimum, to recognize the reduction in lot area of the retained parcel as 8.8 ha (21.75 ha.); and**
- b) grant relief from Section 5.21.2, Interior Side Yard Width Minimum, to recognize the reduction in the side yard setback of the existing metal clad shed from 4 m (13.1 ft.) to 3.69 m (12.1 ft.)**

be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5
No Votes: 0

Carried

- (f) Application for Expansion of a Legal Non-Conforming Use (File A-24/18)
CityView #PL201800067
Todd & Gayle Crow
7748 Queens Line
Part of Lot 18, Concession 5
Community of Chatham

The Chair noted that this application had been withdrawn. It was determined by Administration that the application was not required.

(g) Application for Minor Variance (File A-25/18)
CityView #PL201800071
Ray Delaet
45 Church Street
Part of Lots 33 & 34, Plan 262
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 applicant was noted as being present at the meeting.

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-25/18, in Part of Lots 33 & 34, Plan 262, in the Community of Ridgetown, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) **Grant relief from Section 4.40.1, Established Front Yards, to reduce the front yard setback from 5.48 m (18 ft.) to 4.57 m (15 ft.),**
- b) **Grant relief from Section 5.1.2, Interior Side Yard Width Minimum, to reduce the interior side yard setback from 1.22 m (4 ft.) to 0.91 m (3 ft.),**

be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

(h) Application for Consent (File B-41/18)
CityView #PL201800073
Steve Matun
6945 River View Line
Part of Lot 12, Concession 1
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. The applicant's agent, David Kerwin was noted as being present at the meeting.

Moved by Nathaniel Suitor, Seconded by Ken Stevenson

“That the Committee of Adjustment Consent application File B-41/18, to sever and convey a portion of land, approximately 162.5 sq. m (1,750 sq. ft.) in area, shown as Part 1 on the applicant’s sketch, to the owner of the abutting residential parcel (6951 River View Line), in Part of Lot 12, Concession 1, in the Community of Raleigh, 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 residential parcel (6951 River View Line / PIN: 00883-0064) 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
Spencer	Absent
Stevenson	Yes
Suitor	Yes

Yes Votes: 5

No Votes: 0

Carried

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- (i) Application for Minor Variance (File A-27/18)
CityView #PL201800079
Dorothy & Jarret Loscher
1060 Mariners Road
Lot 1, 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 applicant was noted as being present at the meeting.

Moved by Richard Dunlop, Seconded by Curtis Carter

“That the Committee of Adjustment approve Minor Variance application File A-27/18, in Lot 1, Plan 755, in the Community of Erieau, 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 5.79 m (19 ft.) to 3.96 m (13 ft.), to permit the construction of a 1.78 m x 2.44 m (5.83 ft. x 8 ft.) covered porch, be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

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- (j) Application for Minor Variance (File A-30/18)
CityView #PL201800080
Elizabeth Moxley
11575 Wildwood Line
Lot 105, Plan 406 & Part 38, Plan 24R-5588
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.

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment Minor Variance application File A-30/18, concerning Lot 105, Plan 406 & Part 38, Plan 24R-5588 (11575 Wildwood Line), in the Community of Harwich, 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 1.8 m (6 ft.) by 1.8 m (6 ft.) covered porch to the front of the existing dwelling, be approved, subject to the following condition:

a) **That the applicant obtain all necessary approvals from the Lower Thames Valley Conservation Authority (LTVCA) to the satisfaction of the Municipality.”**

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

(k) Application for Minor Variance (File A-31/18)
CityView #PL201800081
Giovanni (John) DeVito
11562 Wildwood Line
Lot 34, Plan 406
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.

Moved by Curtis Carter, Seconded by Nathaniel Suitor

“That the Committee received one written submission prior to the hearing and took the submission into consideration as part of its deliberations and final decision.”

Carried

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment Minor Variance application File A-31/18, in Lot 34, Plan 406, in the Community of Harwich, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.2(3), Accessory Uses, Height Restrictions, to allow an accessory building 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
Spencer	Absent

Committee Member	Vote
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., July 26, 2018 - Council Chambers

Adjournment:

Moved by Ken Stevenson, Seconded by Richard Dunlop

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