

THE CORPORATION OF THE MUNICIPALITY OF CHATHAM-KENT

COMMITTEE OF ADJUSTMENT – CITIZEN PANEL

COUNCIL CHAMBERS, CIVIC CENTRE

November 23, 2017

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, Ken Stevenson and Nathaniel Suitor

Regrets: None

Also in attendance were Ryan Jacques, Planner I 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 Mark Spencer, Seconded by Richard Dunlop

“That the Minutes of the Committee of Adjustment Citizen Panel held on October 26, 2017 be approved.”

Carried

BUSINESS ARISING FROM THE MINUTES:

None

HEARING OF APPLICATIONS:

- (a) Combined Application for Consent (File B-71/17)
& Minor Variance (File A-51/17)
CityView #PL201700154
Foxburg Enterprises Inc.
7810 Bay Line
Part of Lot 18, Concession 12
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

was noted as not being present at the meeting. David French, the applicant's agent, was noted as being present at the meeting.

File B-71/17

Jim Kovacs questioned if applicants ever tried to reconfigure a lot when discovered that a minor variance application was required. Ryan Jacques noted applicants do what works best for them. If a minor variance was required and met the four tests outlined under Section 45(1) of the Planning Act then the application would be recommended for approval.

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-71/17 to sever a surplus dwelling and one (1) outbuilding (7810 Bay Line) on a new 0.46 ha (1.13 ac.) lot, shown as Part 1 on the applicant’s sketch, and to permit a partial discharge of the existing mortgage, in Part of Lot 18, Concession 12, 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 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 the silo on the severed parcel labelled on the applicant’s sketch as, “to be removed”, be removed;**
- e) that the metal clad building on the retained parcel located 0.21 m (0.7 ft.) from the proposed line of severance, be removed;**
- 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

Committee Member	Vote	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes
Stevenson	Yes	0
Suitor	Yes	

Carried

File A-51/17

Moved by Mark Spencer, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-51/17, in Part of Lot 18, Concession 12, in the Community of Dover, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to grant relief from Section 5.21.2 (b), Interior Side Yard Width Minimum, to recognize the reduced interior side yard setback of an outbuilding on the severed parcel from 15 m (49.2 ft.) to 8.14 m (26.7 ft.), be approved, without conditions.”

The Chair put the Motion

Committee Member	Vote	
Kovacs	Yes	Yes Votes 6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes 0
Stevenson	Yes	
Suitor	Yes	

Carried

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- (b) Application for Consent (File B-72/17)
& Minor Variance (File A-52/17)
CityView # PL201700155
Alana Fox
8110 Electric Line
Part of Lot 20, Concession13
Community of Dover

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 applicant was noted as not present at the meeting. David French, the applicant’s agent, was noted as being present at the meeting.

Moved by Richard Dunlop, Seconded by Nathaniel Suitor

File B-72/17

“That the Committee of Adjustment approve Consent application File B-72/17 to sever a surplus dwelling and two (2) outbuildings (8110 Electric Line) on a new 0.45 ha (1.10 ac.) lot, shown as Part 1 on the applicant’s sketch, and to permit a partial discharge of the

existing mortgage, in Part of Lot 20, Concession 13, 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 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;
- 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	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes 0
Stevenson	Yes	
Suitor	Yes	

Carried

Moved by Curtis Carter, Seconded by Mark Spencer

File A-52/17

“That the Committee of Adjustment approve Minor Variance application File A-52/17, in Part of Lot 20, Concession 13, in the Community of Dover, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) Grant relief from Section 5.21.2 (b), Interior Side Yard Width Minimum, to recognize the reduced interior side yard setback of an outbuilding on the severed parcel from 15 m (49.2 ft.) to 10.67 m (35 ft.);
- b) Grant relief from Section 5.21.2 (b), Rear Yard Depth Minimum, to recognize the reduced rear yard setback of an outbuilding on the severed parcel from 15 m (49.2 ft.) to 7.01 m (23 ft.),

be approved, without conditions.”

The Chair put the Motion

Committee Member	Vote	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes
Stevenson	Yes	0
Suitor	Yes	

Carried

- (c) Combined Application for Consent (File B-73/17) & Consent (File B-78/17) & Minor Variance (File A-53/17)
 CityView #PL201700156
 Alana Fox
 7369 Angler Line
 Part of Lot 14, Concession 12
 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 was noted as not being present at the meeting. David French, the applicant's agent, was noted as being present at the meeting.

File B-73/17

Richard Dunlop inquired if a waterline was installed down the road in the future would the easement still be in place. Ryan Jacques noted the easement for access to the waterline and well would be a permanent easement. The agreement could be dissolved in the future between the two parties.

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-73/17 to sever a surplus dwelling and two (2) outbuildings (7369 Angler Line) on a new 0.47 ha (1.16 ac.) lot, shown as Part 1 on the applicant’s sketch, and to permit a partial discharge of the existing mortgage, in Part of Lot 14, Concession 12, 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 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;
- 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	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes
Stevenson	Yes	0
Suitor	Yes	

Carried

File B-78/17

Moved by Curtis Carter, Seconded by Mark Spencer

“That the Committee of Adjustment approve Consent application File B-78/17 to establish a permanent easement over Part 2 of the proposed retained parcel, as shown on the applicant’s sketch, in favour of the proposed surplus dwelling lot (7369 Angler Line), for access to a waterline and well, in Part of Lot 14, Concession 12, in the Community of Dover, be approved, subject to the following conditions:

- a) that Consent application File B-73/17 be finally approved;
- 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	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes
Stevenson	Yes	0
Suitor	Yes	

Carried

File A-53/17

Moved by Mark Spencer, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Minor Variance application File A-53/17, in Part of Lot 14, Concession 12, in the Community of Dover, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) Grant relief from 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 19.42 ha (48 ac.);**
- b) Grant relief from Section 5.21.2 (b), Interior Side Yard Width Minimum, to recognize the reduced interior side yard setback of an outbuilding on the severed parcel from 15 m (49.2 ft.) to 3.05 m (10 ft.);**
- c) Grant relief from Section 5.21.2 (b), Rear Yard Depth Minimum, to recognize the reduced rear yard setback of an outbuilding on the severed parcel from 15 m (49.2 ft.) to 2.4 m (8 ft.),**

be approved, without conditions.”

The Chair put the Motion

Committee Member	Vote	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes
Stevenson	Yes	0
Suitor	Yes	

Carried

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- (d) Application for Certification of Validation
Under Section 57 of the Planning Act (File A-79/17)
CityView #PL201700159
Rob Schepanowski
28, 30 & 32 Detroit Drive
Part of Block AJ, Plan 455
Parts 2 & 3, Parts 4 & 5 & Parts 8 & 9, 24R-9830
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.

Jim Kovacs questioned how it was possible that the Registry Office transferred these parcels in contravention of the Planning Act. Ryan Jacques noted the Registry Office does not police the Planning Act to determine if lands or transfers received municipal consent as required.

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Validation of Title application File B-79/17 and issue a Certificate of Validation for the lands located at 28, 30 & 32 Detroit Drive, in the Community of Chatham, described as:

1. **Part of Block AJ, Plan 455, Designated as Parts 4 & 5, 24R9830; Subject to Easement over Part 4, 24R9830 in Favour of Part of Lot 12, Block A & Block AJ, Plan 455 as in CK44532 as in CK98327; Subject to an Easement over Part 4, 24R9830 in Favour of Block A & Block AJ, Plan 455 Designated as Parts 1, 2, 3, 6, 7, 8 & 9, 24R9830 as in CK98328; Together with Easement over Part of Block AJ, Plan 455, Designated as Parts 2, 6 & 8, 24R9830 as in CK98328; Municipality Chatham-Kent.**

2. **Part of Block AJ, Plan 455, Designated as Parts 6 & 7, 24R9830; Subject to Easement over Part 6, 24R9830 in Favour of Part of Lot 12, Block A & Block AJ, Plan 455 as in CK44532 as in CK98327; Subject to an Easement over Part 6, 24R9830 in Favour of Block A & Block AJ, Plan 455 Designated as Parts 1, 2, 3, 4, 5, 8 & 9, 24R9830 as in CK98328; Together with Easement over Part of Block AJ, Plan 455, Designated as Parts 2, 4 & 8, 24R9830 as in CK98328; Municipality Chatham-Kent.**

3. **Part of Block AJ, Plan 455, Designated as Parts 8 & 9, 24R9830; Subject to Easement over Part 8, 24R9830 in Favour of Part of Lot 12, Block A & Block AJ, Plan 455 as in CK44532 as in CK98327; Subject to an Easement over Part 8, 24R9830 in Favour of Block A & Block AJ, Plan 455 Designated as Parts 1, 2, 3, 4, 5, 6 & 7, 24R9830 as in CK98328; Together with Easement over Part of Block AJ, Plan 455, Designated as Parts 2, 4 & 6, 24R9830 as in CK98328; Municipality Chatham-Kent.**

The Chair put the Motion

Committee Member	Vote	
Kovacs	Yes	Yes Votes 6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes 0
Stevenson	Yes	
Suitor	Yes	

Carried

- (e) Combined Application for Consent (B-74/17)
& Minor Variance (File A-55/17)
CityView #PL201700160
Estate of Donald Gosnell
13370 Gosnell Line
Part of Lot 15, 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 applicant was noted as not being present at the meeting. David French, the applicant's agent, was noted as being present.

Richard Dunlop questioned if this was the old railway that was located at the rear of the property and if so, who owned that property now. Ryan Jacques noted he believed the property was now owned by Entergus.

File B-74/17

Moved by Richard Dunlop, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-74/17 to sever a surplus dwelling (13370 Gosnell Line) and three (3) outbuildings on a new 0.71 ha (1.75 ac.) lot, shown as Part 1 on the applicant’s sketch, in Part of Lot 15, Concession 9, in the Community of Howard, be approved, subject to the following conditions:

- a) that the severed parcel comply with the regulations of the Chatham-Kent Zoning By-law;**
- b) that the applicant enter into an encroachment agreement with the municipality regarding the outbuilding labelled “shed” on the applicant’s sketch, or that it be removed to the satisfaction of the Municipality;**
- c) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;**
- 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	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes
Stevenson	Yes	0
Suitor	Yes	

Carried

File A-55/17

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Minor Variance application File A-55/17, concerning Part of Lot 15, Concession 9, in the Community of Howard, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.21.2, Interior Side Yard Width Minimum, to recognize the reduced interior side yard setback of an existing outbuilding on the severed parcel, labelled “Frame Barn” on the applicant’s sketch, from 15 m (49.2 ft.) to 6.3 m (20.8 ft.), be approved, without conditions.”

The Chair put the Motion

Committee Member	Vote	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes
Stevenson	Yes	0
Suitor	Yes	

Carried

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- (f) Application for Minor Variance (File A-56/17)
CityView #PL201700161
Edgar & Sandra Bourdeau
23 Cathcart Street
Part of Lots 58 & 59, Plan 253
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.

Mark Spencer inquired whether a conditional building permit was granted before the application was submitted. Ryan Jacques indicated that the pictures of the Planning Report did not show the covered porch however a conditional permit could had been granted.

Moved by Mark Spencer, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Minor Variance application File A-56/17, concerning 23 Cathcart Street, in Part of Lots 58 & 59, Plan 253, in the Community of Tilbury, to grant relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.40.1, Established Front Yards, to permit the construction of a covered porch, without conditions.”

The Chair put the Motion

Committee Member	Vote	Yes Votes	No Votes
Kovacs	Yes	6	
Carter	Yes		
Dunlop	Yes		
Spencer	Yes		
Stevenson	Yes		
Suitor	Yes		

Carried

- (g) Application for Consent (File B-77/17)
 CityView #PL201700163
 Edward & Suzanne Burk
 10371 Burk Line
 Part of Lots 14 & 15, Concession 11
 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 not being present at the meeting.

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-77/17 to create a new 39.3 ha (97.09 ac.) agricultural lot, shown as Part 1 on the applicants’ sketch at 10371 Burk Line, in Part of Lot 14 & 15, Concession 11, together with a reciprocal drainage easement over the severed and retained parcels, in the Community of Harwich, 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;
- 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	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes
Stevenson	Yes	0
Suitor	Yes	

Carried

- (h) Application for Minor Variance (File A-57/17)
 CityView #PL201700166
 Frank Vandehogen
 121 Van Allen Avenue
 Part of Lot 9, Plan 4
 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.

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-57/17, in Part of Lot 9, Plan 4 (121 Van Allen Avenue), in the Community of Chatham (City), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, to:

- a) Grant relief from Section 4.2(2), Accessory Uses, Lot Coverage, from 10% to 12%;
- b) Grant relief from Section 5.1.2, Lot Coverage Maximum, to recognize the increased lot coverage from 33% to 39%,

without conditions.”

The Chair put the Motion

Committee Member	Vote	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes
Stevenson	Yes	0
Suitor	Yes	

Carried

- (i) Application for Minor Variance (File A-58/17)
 CityView #PL201700167
 Warrener Properties Inc.
 48 Fifth Street
 Part of Lot 91, Old Survey, RP 24R-9044, Part 1
 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.

Curtis Carter expressed the concern that the subject property could supply only approximately eight (8) off-street parking spaces when there could be 20 or more vehicles.

Jim Kovacs asked if the CBD area parking exempt applied to the residential area as well. Ryan Jacques noted the parking exemption area did apply to the residential area. There were no requirements under the Chatham-Kent Zoning By-law to provide additional parking spaces as part of the proposed redevelopment project as long as the redevelopment project would be contained within the existing building and that any new building addition would be less than 1,000 sq. ft. in total area.

Moved by Mark Spencer, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-58/17, concerning Part of Lot 91, Old Survey; RP 24R-9044, Part 1 (48 Fifth Street), in the Community of Chatham (City), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.10.2, Other Provisions, to increase the maximum number of dwelling units per hectare from 74 to 167, without conditions.”

The Chair put the Motion

Committee Member	Vote	Yes Votes
Kovacs	Yes	6
Carter	Yes	
Dunlop	Yes	
Spencer	Yes	No Votes

Stevenson	Yes
Suitor	Yes

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., January 11, 2018 - Council Chambers

ADJOURNMENT:

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment Citizen Panel adjourn at 9:48 a.m.”