

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Council Chambers, Civic Centre
July 26, 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 Ryan Jacques, Planner I, 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 Richard Dunlop, Seconded by Curtis Carter

“That the Minutes of the Committee of Adjustment Citizen Panel held on June 28, 2018 be approved.”

Carried

Business Arising From the Minutes:

None

Hearing Of Applications:

- (a) Application for Consent (File B-42/18)
& Minor Variance (File A-26/18)
CityView #PL201800074
Jerrold E. Doan
185 Metcalfe Street & 11 Victoria Street
Part of Church Reserve, Plan 109
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 Richard Dunlop, Seconded by Ken Stevenson

File B-42/18

“That the Committee of Adjustment approve Consent application File B-42/18 to sever and convey a 1,036.15 sq. m (11,153 sq. ft.) lot addition consisting of landscaped open space from 185 Metcalfe Street (PIN: 00939-0752) to 11 Victoria Street (PIN: 00939-0751), shown as Part 1 on the applicant’s sketch, in Part of Church Reserve, Plan 109, in the Community of Harwich, 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 village residential parcel (11 Victoria Street / PIN:00939-0751) 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 |
| Spencer | Absent |
| Stevenson | Yes |
| Suitor | Yes |

Yes Votes: 5

No Votes: 0

Carried

Moved by Ken Stevenson, Seconded by Curtis Carter

File A-26/18

“That the Committee of Adjustment approve Minor Variance application File A-26/18, concerning Part of Church Reserve, Plan 109, in the Community of Harwich, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.6.2 (b), Lot Area Minimum, to reduce the lot area minimum from 1,858 sq. m (19,999 ft.) to 1,677

sq. m (18,052 sq. ft.) on the retained parcel located at 185 Metcalfe Street (PIN: 00939-0752), be approved, without conditions.”

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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- (b) Application for Consent (File B-44/18)
CityView # PL201800083
Paolo & Jennifer Magliaro
6698 Grande River Line
Part of Lot 9, Concession 1
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.

Ken Stevenson asked for the reason behind the \$1,000 cash-in-lieu of parkland dedication condition.

Anthony Jas noted there was a policy in the Chatham-Kent Official Plan that gave the Municipality the ability to request parkland or cash-in-lieu of parkland for any new residential lot when created.

Ryan Jacques noted with subdivisions the owners are required to convey to the Municipality 5% of the land for parkland dedication or cash-in-lieu. These funds are placed into accounts to use later for trails development or parks.

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-44/18, to sever a new 0.4 ha (1 ac.) residential lot, shown as Part 1 on the applicants’ sketch, and to permit a partial discharge of the existing mortgage, in Part of Lot 9, Concession 1, be approved, subject to the following conditions:

- a) that a new municipal water service connection to the severed parcel be installed at the applicants expense and to the satisfaction of the Municipality;
- b) that the applicant obtain an access permit from the Municipality for the severed parcel and install said access at the applicant’s expense, or deposit the amount of \$1,000 for the required access, to the satisfaction of the Municipality;
- c) that the applicant pay \$1,000 cash-in-lieu of parkland dedication;
- d) that the applicants pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;
- e) that the severed lot be assigned a civic address to the satisfaction of the Municipality;
- 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 |
|------------------|--------|
| Kovacs | Yes |
| Carter | Yes |
| Dunlop | Yes |
| Spencer | Absent |
| Stevenson | Yes |
| Suitor | Yes |

Yes Votes: 5

No Votes: 0

Carried

- (c) Applications for Minor Variance (File A-32/18)
CityView #PL201800085
Terry and Shayla Oulds
10596 Lakeview Drive
Lot 25, Plan 820
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. David French, agent for the applicant, was noted as being present at the meeting.

Jim Kovacs noted the plans never changed were these not the approved building plans.

Anthony Jas noted the Minor Variance application was required because during construction it was discovered that the location of the dwelling did not conform to the approved subdivision plan and therefore did not meet the required side yard setback.

Moved by Curtis Carter, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Minor Variance application File A-32/18, concerning Lot 25, Plan 820 (10596 Lakeview Drive), in the Community of Harwich, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.5.2(c), Zone Exceptions (Exception No. 24), to reduce the required minimum interior side yard setback from the easterly property line, from 5 m (16.4 ft.) to 1.14 m (3.74 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

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- (d) Application for Consent (File B-46/18)
& Consent (File B-47/18)
CityView #PL201800086
Elwin L. & Linda Vince
5005 Morris Line
Part of Lot 5, Concession 7
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 being present at the meeting. James Gee, the agent for the applicant, was noted as being present at the meeting.

File B-46/18

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-46/18 to sever a surplus dwelling (5005 Morris Line) on a new 0.4 ha (1.0 ac.) lot, shown as Part 1 on the applicants’ sketch, in Part of Lot 5, Concession 7, in the Community of Tilbury East, be

approved, subject to the following conditions:

- a) that the outbuilding on the retained parcel, labelled as "STEEL BIN" on the applicants' sketch, be removed;
- 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 applicants demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;
- d) that the severed and retained parcels be transferred to Elwin B. & Karen Cristine Vince, as outlined in the Agreement of Purchase and Sale, dated June 6, 2018;
- 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 |
| Stevenson | Yes |
| Suitor | Yes |

Yes Votes: 5

No Votes: 0

Carried

File B-47/18

Moved by Curtis Carter, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-47/18, to establish a permanent easement over Part 2, in favour of the severed parcel, for access to, and maintenance of, an existing geothermal heating system buried pipe serving the severed parcel, 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 |
| Spencer | Absent |
| Stevenson | Yes |
| Suitor | Yes |

Yes Votes: 5

No Votes: 0

Carried

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- (e) Applications for Consent (File B-48/18)
 CityView #PL201800087
 Raymond & Debbie Tracey
 3036 Rosedale Line
 Part of Lot 21, Concession 7 N
 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 applicants were noted as not being present at the meeting.

Moved by Nathaniel Suitor, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-48/18 to sever a surplus dwelling (3036 Rosedale Line) on a new 0.5 ha (1.25 ac.) lot, shown as Part 1 on the applicants’ sketch, in Part of Lot 21, Concession 7 N, in the Community of Tilbury East, 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 the applicants install a new septic system on the severed parcel, to the satisfaction of the Municipality;**
- 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

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- (f) Applications for Consent (File B-49/18)
& Minor Variance (File A-33/18)
CityView #PL201800088
Norbert & Janice Faubert
7802 Rivard Line
Part of Lot 18, Concession 7
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.

File B-49/18

Moved by Ken Stevenson, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-49/18 to sever a surplus dwelling (7802 Rivard Line) on a new 0.74 ha (1.83 ac.) lot, shown as Part 1 on the applicants’ sketch, in Part of Lot 18, Concession 7, in the Community of Dover, together with a partial discharge of the existing mortgage, 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 applicants 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 |
|-------------------------|-------------|
| Kovacs | Yes |
| Carter | Yes |
| Dunlop | Yes |
| Spencer | Absent |
| Stevenson | Yes |
| Suitor | Yes |

Yes Votes: 5

No Votes: 0

Carried

File A-33/18

Moved by Curtis Carter, Seconded by Nathaniel Suitor

“That the Committee of Adjustment Minor Variance application File A-33/18, in Part of Lot 18, Concession 7, 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, Lot Area Minimum, to recognize the reduction in lot area of the retained parcel as 19.5 ha (48.17 ac.), 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

(g) Application for Minor Variance (File A-18/18)
CityView #PL201800089
Maria O'Brien
515 Mariners Road
Lot 46, Plan 462; Lot 46A, Plan 464
Community of Erieau

Moved by Curtis Carter, Seconded by Nathaniel Suitor

“That the application for Minor Variance (File A-18/18) for Maria O’Brien, 515 Mariners Road, Lot 46, Plan 462; Lot 46A, Plan 464, Community of Erieau be deferred to the August 23 meeting and no future public notice will be required.”

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 Minor Variance (File A-34/18)
CityView #PL201800090
Lance & Carol-Anne Babcock
52 London Drive
Lot 26, Plan 819
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 applicants were noted as being present at the meeting.

Anthony Jas noted the Municipality received a letter from a neighbour indicating an error in the rear yard setback that was noted in the Planning report the Committee received. The Planning report read that the reduction of the rear yard setback was from 7.62 m (25 ft.) to 4.88 m (16 ft.) however the report should have read the reduction of the rear yard setback was from 7.62 m (25 ft.) to 3.71 m (12.2 ft.). Anthony Jas noted the Decision would reflect the correct rear yard setback.

Moved by Curtis Carter, Seconded by Richard

“That the Committee of Adjustment received and reviewed the letter that was submitted.”

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

Lance Babcock asked if the letter received was in objection. Anthony Jas noted the letter supported of the application and that the neighbour just wanted to ensure all measurements were accurate.

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment Minor Variance application File A-34/18, in Lot 26, Plan 819, in the Community of Chatham (City), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.1.2 (b), Rear Yard Depth Minimum, to reduce the rear yard setback from 7.62 m (25 ft.) to 3.71 m (12.2 ft.) to construct a new 4.57 m x 4.26 m (15 ft. x 14 ft.) sunroom addition to the existing dwelling, 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

- (i) Application for Consent (File B-50/18)
CityView #PL201800091
Blenheim Christian Reformed Church
286 & 288 Chatham Street South
Part of Lot 8, Concession 1,
West Communication Road
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. A representative from the Blenheim Christian Reformed Church was noted as being present at the meeting.

Moved by Ken Stevenson, Seconded by Nathaniel Suitor

“That the Committee of Adjustment approve Consent application File B-50/18 to sever and convey a new lot containing an existing residential dwelling, approximately 0.31 ha (0.77 ac.) in area, shown as Part 1 on the applicant’s sketch, known as 288 Chatham Street South, in Part of Lot 8, Concession 1, West of Communication Road, in the Community of Harwich, be approved, subject to the following conditions:

- a) that the applicant demonstrate the septic systems on the severed and retained parcels are 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;**
- 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

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- (j) Application for Minor Variance (File A-35/18)
CityView #PL201800092
Adam Kozuch and Sonia Couto
233 Inshes Avenue
Part Lot 57, Plan 244
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 being present at the meeting.

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment Minor Variance application File A-35/18, concerning Part Lot 57, Plan 244 (233 Inshes Avenue), in the Community of Chatham (City), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.1.2(b), Rear Yard Depth Minimum, to reduce the required rear yard setback from 7.62 m (25.0 ft.) to 4.42 m (14.5 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

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., August 23, 2018 - Council Chambers

Adjournment:

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment Citizen Panel adjourn at 9:40 a.m.”