

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Electronic Meeting**

December 10, 2020 - 9:00 a.m.

The Committee of Adjustment convened through electronic meeting on the above date with the following members present: Chair – Jim Kovacs, Members – Trevor Aldous, Curtis Carter, Richard Dunlop and Ken Stevenson

Regrets: Nathaniel Suitor

Administration present were Ryan Jacques, Director; 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*.

There were no conflicts of interested noted.

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 November 19, 2020 be approved.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

Business Arising From the Minutes:

None

Hearing of Applications:

- (a) Application for Consent (File B-89/20)
CityView #PL202000187
Robert Vanderveeken
8008 John Park Line
Part of Lot 21, Concession 1, Gore
Community of Chatham Township

The applicant, Robert Vanderveeken, was noted as being present at the meeting.

File B-89/20

Moved by Richard Dunlop, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-89/20 to sever and convey a portion of land, approximately 10.43 ha (25.79 ac.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lot 21, Concession 1, Gore, in the Community of Chatham (Township), as a lot addition, be approved, subject to the following conditions:

- a) that the lot addition lands to be severed, shown as Part 1 on the applicant’s sketch, be conveyed to the owner of the abutting parcel (8008 John Park Line / PIN: 00592-0010) 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; 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
Aldous	Yes
Carter	Yes
Dunlop	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

Carried

- (b) Applications for Consent (File B-90/20)
& Minor Variance (File A-52/20)
CityView # PL202000188
Nee-fah Lee
30 Wellington Street
Lot 10, South of Wellington Street, Plan 109
Community of Harwich

The applicant, Nee-fah Lee, was noted as not being present at the meeting.

File B-90/20

Moved by Ken Stevenson, Seconded by Trevor Aldous

“That the Committee of Adjustment approve Consent application File B-90/20 to sever and convey a new residential parcel, approximately 1,022.39 sq. m (11,004.91 sq. ft.) in area, shown as Part 1 on the applicant’s sketch, in Lot 10, South of Wellington Street, Plan 109, in the Community of Harwich (Shrewsbury), be approved, subject to the following conditions:

- a) that the severed and retained parcel comply with the regulations of the Chatham-Kent Zoning By-law;
- b) that a new municipal water connection to the retained parcel be installed at the applicant’s expense and to the satisfaction of the Municipality;
- c) that the retained parcel be assigned the civic address “237 Peel Street”;
- 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
Aldous	Yes
Carter	Yes
Dunlop	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5
No Votes: 0

Carried

File A-52/20

Moved by Ken Stevenson, Seconded by Trevor Aldous

“That the Committee of Adjustment approve Minor Variance application File A-52/20 in Lot 10, South of Wellington Street, Plan 109, in the Community of Harwich (Shrewsbury), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.6.2(b), Lot Area Minimum, to:

- 1) reduce the minimum lot area of the severed parcel from 1,858 sq. m (20,000 sq. ft.) to 1,022.39 sq. m (11,004.91 sq. ft.); and,**
- 2) reduce the minimum lot area of the retained parcel from 1,858 sq. m (20,000 sq. ft.) to 1,022.39 sq. m (11,004.91 sq. ft.),**

be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

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- (c) Application for Minor Variance (File A-54/20)
CityView #PL202000189
2170910 Ontario Inc.
14429 Zone Centre Line
Part of Lot 11, Concession 6
Community of Zone

The applicant, Michael Stocking, was noted as being present at the meeting.

File A-54/20

Administration reviewed the one (1) written submission received from the public on this application. This submission was in opposition to this proposal. The following summarized the general nature of the concerns raised: (a) with having two (2) acres of land felt there were other options and no need to construct so close to the corner; (b) the proposed building would be very

close to infringing on the allowable 10m daylight triangle; (c) the parking of vehicles in the daylight triangle; and (d) the safety concerns with visual restrictions at the corner.

Administration noted, in considering the written submission that was received by Planning Services it was determined the notion that the proposal would result in risk to public safety requires further consideration and assessment of the application which will require additional time and consultation with other Municipal departments. As such, the recommendation of Administration was that Minor Variance application File A-54/20 be deferred to the January 28th, 2021 meeting to allow for further assessment from a public safety stand point and no public notice be required.

The applicant, Michael Stocking, addressed the Committee and noted he had nothing to add at this point.

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment defer Minor Variance application File A-54/20, in Part of Lot 11, Concession 6, in the Community of Zone, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.21.2(b),

- 1) to reduce the front yard setback from 20 m (65.6 ft.) to 10.7 m (35 ft.); and,**
 - 2) to reduce the exterior side yard setback from 20 m (65.6 ft.) to 10.7 m (35 ft.);**
- to permit the construction of an addition to an existing agricultural building without conditions to the January 28, 2021 meeting and that no further public notice be required.”**

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

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- (d) Application for Consent (File B-92/20)
& Minor Variance (File A-55/20)
CityView #PL202000196
1031143 Ontario Inc.
29409 Hughes Road
Part of Lot 4, Concession 6 Gore

Community of Camden

The applicant's agent, David French, was noted as being present at the meeting.

File B-92/20

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-92/20 to sever a surplus dwelling and three outbuildings (29409 Hughes Road) on a new 0.6 ha (1.5 ac.) lot, shown as Part 1 on the applicant’s sketch, in Part of Lot 4, Concession 6 Gore, in the Community of Camden, be approved, subject to the following conditions: that the retained parcel comply with the regulations of the Chatham-Kent Zoning By-law;

- a) that the applicant demonstrate the septic system on the severed parcel is 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; and,**
- 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
Aldous	Yes
Carter	Yes
Dunlop	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5
No Votes: 0

Carried

File A-55/20

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Minor Variance application File A-55/20 in Part of Lot 4, Concession 6 Gore, 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), Lot Area Minimum, to recognize the further reduction in lot area of the retained parcel from 20.2 ha (50.0 ac.) to 8.7 ha (21.6 ac.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

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- (e) Applications for Consent (File B-93/20) & (File B-94/20)
CityView #PL202000197
Johannes Leonardus Maria, Cornelia Maria Denijs-Wammes,
Hendricus Albertus Maria Denijs & Mary Melania Denijs
14851 & 14971 Cleaves Line
Part of Lot 9, South Middle Road Concession
Community of Orford

The applicant, Johannes Leonardus Maria, Cornelia Maria Denijs-Wammes, Hendricus Albertus Maria Denijs & Mary Melania Denijs were noted as not being present at the meeting.

File B-93/20

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Consent application File B-93/20, to sever and convey an agricultural parcel, approximately 30.4 (75 ac.) in area, known as PIN: 00665-0028, shown as Severed Parcel #1 on the key map, in Part of Lot 9, South Middle Road Concession, in the Community of Orford, 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
Aldous	Yes
Carter	Yes
Dunlop	Yes
Stevenson	Yes

Committee Member	Vote
Suitor	Absent

Yes Votes: 5
No Votes: 0

Carried

File B-94/20

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Consent application File B-94/20, to sever and convey an agricultural parcel, approximately 50.6 ha (125 ac.) in area, known as PIN: 00665-0030, shown as Severed Parcel #2 on the key map, in Part of Lot 8 & 9, South Middle Road Concession, in the Community of Orford, 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
Aldous	Yes
Carter	Yes
Dunlop	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5
No Votes: 0

Carried

- (f) Applications for Consent (File B-95/20) & (File B-99/20)
CityView #PL202000200
Alan & Jacqueline Van De Velde
26887 Baldoon Road
Part of Lot 34, East of Baldoon Road
Community of Dover

The applicant’s agent, David French, was noted as being present at the meeting.

File B-95/20

Moved by Curtis Carter, Seconded by Trevor Aldous

That the Committee of Adjustment approve Consent application File B-95/20 to sever a surplus dwelling on a new 0.44 ha (1.09 ac.) lot, shown as Parts 1 and 2 on the applicant’s sketch, in Part of Lot 34, East of Baldoon Road, in the Community of Dover,

together with a permanent easement over a portion of the surplus dwelling lot, shown as Part 2 on the applicant’s sketch, in favour of the retained agricultural lot, to permit the continued usage of the existing access from Baldoon Road, 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 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,
- 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
Aldous	Yes
Carter	Yes
Dunlop	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5
No Votes: 0

Carried

File B-99/20

Moved by Curtis Carter, Seconded by Trevor Aldous

That the Committee of Adjustment approve Consent application File B-99/20, to establish a permanent easement over a portion of the retained agricultural lot, shown as Part 3 on the applicant’s sketch, in favour of the severed surplus dwelling lot, for access to an existing water well, be approved, subject to the following conditions:

- a) 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,
- 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
Kovacs	Yes
Aldous	Yes
Carter	Yes
Dunlop	Yes
Stevenson	Yes
Suitor	Absent

Yes Votes: 5

No Votes: 0

Carried

(g) Application for Minor Variance (A-42/20)
 CityView #PL2020000042
 Roman & Urszula
 26456 Richmond Road
 Part of Lot 8, Concession 11, Lot 7, Plan 409
 Community of Dover

The applicant, Roman Urszula, was noted as being present at the meeting.

File A-42/20

Administration reviewed two (2) written submissions received from the public on this application. Both submissions were in opposition to this proposal. The following were the concerns: (a) the location of the existing cottage was different from the original cottage and in contravention of the Zoning By-law; (b) a survey sketch was not obtained; and (c) the location of the balconies on the west side of the building resulted in loss of privacy to the neighbouring property.

Moved by Curtis Carter, Seconded by

“That the Committee of Adjustment refuse Minor Variance application File A-18/20, in Part of Lot 8, Concession 11; Lot 7, Plan 409, known as 26456 Richmond Road, in the Community of Dover, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.39(f), Yard Encroachments, to permit a balcony to project into the existing front yard by 1.22 m (4 ft.) and into the existing interior side yard by 1.5 m (4.9 ft.), without conditions.”

The Committee gave the following reasons for its decision (a) the application took a consider amount of time and was not easy for the Committee; (b) there was never a survey or site plan done – was it a legal non-conforming use or not; (c) if it was not a legal non-conforming use then it was out of the mandate of the Committee; (d) poor planning decision on everyone’s part and (e) the applicant had other avenues to follow.

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes

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

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., December 17, 2020

Adjournment:

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment Citizen Panel adjourn at 9:52 a.m.”

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Electronic Meeting**

December 17, 2020 - 9:00 a.m.

The Committee of Adjustment convened through electronic meeting on the above date with the following members present: Chair – Jim Kovacs, Members – Trevor Aldous, Curtis Carter, Richard Dunlop and Ken Stevenson

Regrets: Nathaniel Sutor

Administration present were Ryan Jacques, Director; 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*.

There were no conflicts of interested noted.

Business Arising From the Minutes:

None

Hearing of Applications:

- (a) Application for Consent (File B-82/20) & (File B-83/20)
& (File B-84/20) & (File B-91/20) & Minor Variance (File A-50/20)
CityView #PL202000184
Alana Fox
26074 St. Clair Road & 8581 Dover Centre Line
Part of Lot 26, East of Baldoon Road
Community of Dover

The applicant's agent, David French, was noted as being present at the meeting.

File B-82/20

Administration reviewed the one (1) written submission received from the public on this application. This submission was in opposition to this proposal. The following summarizes the general nature of the concerns raised: (a) felt it did not meet the provincial standards of only one lot per 50 acres severance; (b) the right-of-away of the retained parcel met up with their front lawn and given the size of the machinery used could lead to turning to and from the parcel onto the house lot across the road; and (c) land use as agricultural designation and implications may bring from noise and possible animal smells if left zoned as an agricultural designation.

Administration noted that the St. Clair Region Conservation Authority was circulated for comments. Typically, any comments would be part of the planning report however these

comments came in after the report was drafted and therefore would be reviewed with the Committee now. Administration also acknowledged that the Planner for the St. Clair Region Conservation Authority, Laura Biancolin, was present at the meeting.

St. Clair Region Conservation Authority noted the following:

- Consistency with Section 3.1 of the PPS was not demonstrated for Consent application B-83/20 and the associated Minor Variance application A-5/20.
- Consistency with Section 3.1 of the PPS could be demonstrated for Consent applications B-82/20, B-84/20 and B-91/20.
- Ontario Regulation 171/06 did apply to the subject properties. A permit from the Conservation Authority would be required prior to any development taking place within the regulated areas.
- The subject site was located within an area that was subject to the policies contained in the Source Water Protection Plan.

Administration also noted the Drainage department for the Municipality of Chatham-Kent was consulted and indicated no concerns for the overall proposal.

Ken Stevenson questioned if the applicant owned the abutting parcel at 8388 Green Valley Line. Administration noted that the applicant did not own 8388 Green Valley Line. Ken Stevenson noted severed Parcel 2 was a vacant parcel and questioned whether this parcel could be built on in the future. Administration noted construction of a residential dwelling was a permitted use.

Jim Kovacs noted that the severed Parcel 2 would require approval from the Conservation Authority to develop. David French indicated the applicant was aware that permits from the Conservation Authority would be required for any development to occur.

Moved by Richard Dunlop, Seconded by Trevor Aldous

“That the Committee of Adjustment approve Consent application File B-82/20 to sever and convey a portion of land, approximately 21.0 ha (51.9 ac.) in area, shown as Part 8 on the applicant’s sketch, in Part of Lot 26, East of Baldoon Road, in the Community of Dover, as a lot addition, be approved, subject to the following conditions:

- a) that the lot addition to be severed, shown as Part 8, on the applicant’s sketch, be conveyed to the owner of the abutting parcel, shown as Part 9 on the applicant’s sketch (8388 Green Valley Line / PIN 00768-0071) 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; and,**
- c) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).”**

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

File B-83/20

Moved by Richard Dunlop, Seconded by Trevor Aldous

“That the Committee of Adjustment approve Consent application File B-83/20 to sever and convey a new agricultural parcel, approximately 0.65 ha (1.6 ac.) in area, shown as Part 3 & 4 on the applicant’s sketch, in Part of Lot 24, Concession 11, in the Community of Dover, 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 pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;**
- c) that the existing dwelling located at 26074 St. Clair Road be removed 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). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).”**

The Chair put the Motion

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

Committee Member	Vote
Suitor	Absent

Yes Votes: 5

No Votes: 0

Carried

File B-84/20

Moved by Richard Dunlop, Seconded by Trevor Aldous

“That the Committee of Adjustment approve Consent application File B-84/20 to sever a surplus dwelling (8561 Dover Centre Line) on a new 0.65 ha (1.6 ac.) lot, shown as Part 6 on the applicant’s sketch, in Part of Lot 24, Concession 11, in the Community of Dover, be approved, subject to the following conditions:

- a) **Consent application Files B-82/20 and B-83/20 be finally approved and a copy of the registered transfers be submitted to the Municipality;**
- b) **that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;**
- 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; and,**
- d) **that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).”**

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

File B-91/20

Moved by Richard Dunlop, Seconded by Trevor Aldous

“That the Committee of Adjustment approve Consent application File B-91/20 to convey an agricultural parcel, approximately 41.6 ha (102.8 ac.) in area, shown as Part 1, 2, 5 & 7

on the applicant’s sketch, in Part of Lot 24, Concession 11, in the Community of Dover, be approved, subject to the following conditions:

- a) Consent application File B-84/20 be finally approved and a copy of the registered transfer be submitted to the Municipality;
- 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). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

File A-50/20

Moved by Richard Dunlop, Seconded by Trevor Aldous

“That the Committee of Adjustment approve Minor Variance application File A-50/20 in Part of Lot 24, Concession 11, 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 reduce the lot area of the severed parcel from 20 ha (49.4 ac.) to 0.65 ha (1.6 ac.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

- (b) Applications for Consent (File B-96/20) & (File B-97/20)
& Minor Variance (File A-62/20)
CityView # PL202000201
Foxburg Enterprises Inc.
26077 St. Clair Road
Part of Lot 1, Concession 11
Community of Chatham Township

The applicant's agent, David French, was noted as being present at the meeting.

File B-96/20

Ken Stevenson questioned whether the first line in the Background section on page 2 of the Planning Report dated November 26, 2020 should read the "northeast" side instead of the "northwest" side. Administration noted that was correct the report should read the "northeast" side.

Moved by Ken Stevenson, Seconded by Curtis Carter

"That the Committee of Adjustment approve Consent application File B-96/20 to create a permanent easement, for access over Part 3 on the applicant's sketch (26079 St. Clair Road), in favour of Parts 1 & 2 on the applicant's sketch, in Part of Lot 1, Concession 11, in the Community of Chatham (Township), be approved, subject to the following conditions:

- a) 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,
- b) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds)."

The Chair put the Motion

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

Yes Votes: 5
No Votes: 0

File B-97/20

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Consent application File B-97/20 to sever a surplus dwelling (26077 St. Clair Road) on a new 0.55 ha (1.36 ac.) lot, shown as Parts 1 & 2 on the applicant’s sketch in Part of Lot 1, Concession 11, in the Community of Chatham (Township), and to permit a partial discharge of the existing mortgage, be approved, subject to the following conditions:

- a) that Consent application File B-96/20 be finally approved and a copy of the registered transfer be submitted to the Municipality;**
- b) that the retained parcel comply with the regulations of the Chatham-Kent Zoning By-law;**
- c) that the applicant obtain an entrance permit from the Ontario Ministry of Transportation to define the use of the Highway 40 residential entrance, and that the applicant provide documentation confirming permit issuance for the entrance;**
- d) that a 0.3m reserve along the entire highway frontage, with the exception of a 10 m opening for mutual access, be conveyed to the Ontario Ministry of Transportation free of charge and clear of all encumbrances, and that the transfer confirming ownership of the reserve be submitted to the Municipality;**
- e) that the applicant demonstrate the septic system on the severed parcel is functioning in accordance with Municipal Protocol;**
- f) that the applicant pay \$100 for the cost associated with the apportionment of assessment under the Drainage Act related to the subject lands;**
- g) 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,**
- h) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).”**

The Chair put the Motion

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

Committee Member	Vote
Suitor	Absent

Yes Votes: 5
No Votes: 0

Carried

File A-62/20

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Minor Variance application File A-62/20, in Part of Lot 1, Concession 11, in the Community of Chatham (Township), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.21.2(b), Lot Area Minimum, to reduce the lot area of the retained parcel from 20 ha (49.4 ac.) to 19.88 ha (49.14 ac.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5
No Votes: 0

Carried

- (c) Application for Consent (File B-85/20) & (File B-86/20)
& Minor Variance (File A-51/20)
CityView #PL202000185
John & Carol Dieleman
11391 & 11427 Northwood Line
Part of Lot 22, Concession 1, River Thames Survey
Community of Harwich

The applicant was noted as not being present at the meeting.

File B-85/20

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-85/20 to sever and convey a new agricultural parcel, approximately 25.21 ha (62.31 ac.) in area, shown as Part 2 on the applicant’s sketch, in Part of Lot 22, Concession 1, River Thames Survey, in the Community of Harwich, together with an easement over Part 7, in favour of

the severed parcel, for access to existing underground hydro infrastructure, and to permit a partial discharge of the existing mortgage, be approved, subject to the following conditions:

- a) that the existing outbuilding located on the severed parcel, labelled “barn” on the applicant’s sketch, be removed to the satisfaction of the Municipality, and that the applicant provide documentation confirming removal of the structure;
- b) that all outstanding local improvement charges be paid in full to the satisfaction of the Municipality, and that the applicant provide documentation confirming the payment;
- 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; and,
- d) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

File B-86/20

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Consent application File B-86/20 to sever and convey a new agricultural parcel, approximately 6.9 ha (17.06 ac.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lot 22, Concession 1, River Thames Survey, in the Community of Harwich, and to permit a partial discharge of the existing mortgage, 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; and,

- c) that the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies). It will be necessary to allow up to three (3) working days after all conditions have been fulfilled and documentation filed for the issuance of the Certificate (stamping of deeds).”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

File A-51/20

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-51/20 in Part of Lot 22, Concession 1, River Thames Survey and in Part of Lot 23, Concession 2, River Thames Survey, in the Community of Harwich, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.21.2(b), Lot Area Minimum, to:

- i. reduce the minimum lot area of the severed parcel from 20 ha (49.4 ac) to 6.9 ha (17.06 ac.); and,
- ii. reduce the minimum lot area of the retained parcel from 20 ha (49.4 ac) to 5.7 ha (14.01 ac.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

- (d) Application for Minor Variance (File A-53/20)

CityView #PL202000193
Dennis Craievich
165 Emma Street
Part of Lot 3, Block 11, Plan 8
Community of Chatham

The applicant, Dennis Craievich, was noted as being present at the meeting.

File A-53/20

Administration reviewed the one (1) written submission received from the public on this application. This submission was in opposition to this proposal. The following summarizes the general nature of the concerns raised: (a) the minor variance would be detrimental to the neighbourhood; (b) the aging drainage and sewers on the street would not support the additional usages; (c) due to the age of the homes on the street, fear that the use of heavy equipment during construction will crack basement walls and plaster; (d) traffic to the hospital and bus traffic would be impeded due to the heavy equipment; (e) parking issues; and (f) the removal of a large maple tree at the front of the subject property.

Trevor Aldous noted the key map in the planning report dated November 13, 2020 showed an outbuilding on the abutting property and it appeared the existing driveway was used to access this outbuilding. Mr. Aldous questioned if this driveway would also be used for the subject property. Administration noted the lines on the key map were skewed. The existing garage was fully contained on the abutting property and the subject property would be accessed by a new driveway.

Richard Dunlop questioned whether the garage roof located on the abutting property overhung onto the subject property. Dennis Craievich indicated the lot was fully fenced and noted the garage was 100% on the neighbouring property.

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment approve Minor Variance application File A-53/20, in Part of Lot 3, Block 11, Plan 8, 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), Interior Side Yard Width Minimum, to reduce the easterly interior side yard setback from 3.05 m (10 ft.) to 1.22 m (4 ft.), to facilitate the development of a new duplex dwelling, be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5
No Votes: 0

Carried

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- (e) Application for Minor Variance (File A-57/20)
CityView #PL202000203
Peter & Ann Fisher
11560 Bates Line
Lot 2, Plan 406, Part of Second Avenue &
Part of Road Allowance in front of Lot 1
Community of Harwich

The applicant was noted as not being present at the meeting.

File A-57/20

Moved by Richard Dunlop, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Minor Variance application File A-57/20, concerning Lot 2, Plan 406, Part of Second Avenue & Part of Road Allowance in Front of Lot 1, known as 11560 Bates Line, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Special Zone Provision No. 847, to allow the encroachment of a new 521 sq. m (5,608 sq. ft.) single detached dwelling, as shown on the Applicant’s Sketch, be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5
No Votes: 0

Carried

-
- (f) Application for Minor Variance (File A-58/20)
CityView #PL202000207
Pauline Zimmer
21621 Adams Crescent
Lot 33, Plan 820
Community of Harwich

The applicant, Pauline Zimmer, was noted as being present at the meeting.

File A-58/20

Moved by Curtis Carter, Seconded by Trevor Aldous

That the Committee of Adjustment approve Minor Variance application File A-58/20, in Lot 33, Plan 820, in the Community of Harwich, to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 5.5.2 (b), Rear Yard Depth Minimum, to reduce the rear yard setback from 12 m (39.37 ft.) to 6.2 m (20.34 ft.), to permit a new addition to the existing dwelling, be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 5

No Votes: 0

Carried

(g) Application for Minor Variance (A-60/20)
CityView #PL202000209
Wayne Dale & Jennifer Andrusiak
435 McNaughton Avenue East
Part of Lot 3, Concession 2 (Chatham)
Community of Chatham

The applicant, Wayne Dale, was noted as being present at the meeting.

Administration reviewed the one (1) written submission received from the public on this application. This submission was in opposition to this proposal. The following summarized the general nature of the concerns raised: The written submission noted that it was an unusually large structure for a garage and had no objection provided it was used only for the personal storage of recreational and personal vehicles by the current and any future owners of the property. It was noted he would object if used to conduct any type of commercial business.

File A-60/20

Jim Kovacs noted the recommendation was to approve without conditions and questioned whether the recommendation should include that the current garage be demolish as a condition. Administration noted that if the new garage was constructed and the existing garage was not demolished it would exceed the 11.5 % lot coverage and therefore building permits would not be issued.

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-60/20, in Part of Lot 3, Concession 2 (Chatham), in the Community of Chatham (City), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended, Section 4.2(2), Accessory Uses, Lot Coverage, to increase the total lot coverage of all accessory buildings or structures from 10% to 11.5%, to permit the construction of a 13.4 m x 6.1 m (44 ft. x 20 ft.) detached garage on the property, be approved, without conditions.”

The Chair put the Motion

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

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., January 21, 2021

Adjournment:

Moved by Ken Stevenson, Seconded by Curtis Carter

“That the Committee of Adjustment Citizen Panel adjourn at 9:55 a.m.”