

The Corporation Of The Municipality Of Chatham-Kent

**Committee of Adjustment – Citizen Panel
Electronic Meeting
June 4, 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, Manager; Anthony Jas, Planner I; and Greg Houston, Planner II, 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 Curtis Carter

“That the Minutes of the Committee of Adjustment Citizen Panel held on April 23, 2020 be approved.”

Carried

Business Arising From the Minutes:

None

Hearing of Applications:

- (a) Applications for Consent (File B-03/20)
& Minor Variance (File A-03/20)
CityView #PL202000009
2116171 Ontario Inc.
91 Heritage Road
Part of Lot 21, Concession 1 (Raleigh)
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.

File B-03/20

Moved by Curtis Carter, Seconded by Ken Stevenson

“That the Committee of Adjustment approve Consent application File B-03/20 to sever and convey a portion of land, approximately 557.4 sq. m (6,000 sq. ft.) in area, shown as Parts 1 and 2 on the applicant’s sketch, in Part of Lot 21, Concession 1 (Raleigh), in the Community of Chatham (City), as a lot addition, be approved, subject to the following conditions:

- a) that the retained parcel comply with the regulations of the Chatham-Kent Zoning By-law;**
- b) that the lot addition to be severed, shown as Parts 1 and 2 on the applicant’s sketch, be conveyed to the owner of the abutting commercial parcel (60-62 Keil Drive South / PIN: 00528-0028) 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;**
- 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-03/20

Moved by Richard Dunlop, Seconded by Curtis Carter

“That the Committee of Adjustment approve Minor Variance application File A-03/20, in Part of Lot 21, Concession 1 (Raleigh), 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 (b), Lot Frontage Minimum, to reduce the lot frontage of the retained parcel, from 22.9 m (75 ft.) to 12.2 m (40 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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- (b) Application for Minor Variance (File A-10/20)
CityView # PL202000028
Mike Goure
321 Delaware Avenue
Part of Lot 12, Plan 598
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 and agent were noted as being present at the meeting.

File A-10/20

Administration noted there were two (2) written submissions received from the public on this application. Each submission was in opposition to the proposal and was received by the Committee prior to the decision. A summary of comments received included:

- Felt a multiple classic car storage in a quiet residential area was not appropriate.
- There was potential for the structure to be used for classic car restoration and repairs, and therefore, so this raised concerns this would create environmental issues (ie. dust, noise and paint fumes).
- There are many children on the street that play - hazard to the children.
- There was already an existing detached garage on the subject property.
- Increased traffic on the street.
- Loud vehicles/excess noise.
- Eye sore, large structure for the neighbours on either side and for people that use the park.
- Resale and value of their homes may be negatively affected.

Administration noted there was one (1) written submission made on behalf of the applicant. The Committee received this submission prior to the decision. A summary of comments received included:

- The structure was strictly for the storage of two (2) collector cars owned by the applicant.
- No intention of using the structure for commercial activity as the property would maintain its primary residential use.
- Applicant approached surrounding neighbours to discuss the proposal and received positive feedback.

Jim Kovacs asked what the intention of the garage was. The applicant noted that it was for personal use and storage and maintenance on his own cars.

Jim Kovacs asked how the garage would be accessed in the rear yard. The applicant noted that there was 17 ft. between the existing garage and the side of the house which was sufficient space for safe passage of cars to be stored in new structure.

Moved by Ken Stevenson, Seconded by Trevor Aldous

“That the Committee of Adjustment approve Minor Variance application File A-10/20, in Part of Lot 12, Plan 598, 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%, to allow for a new 72 sq. m (768 sq. ft.) accessory structure to be constructed in the rear yard of 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

- (c) Application for Minor Variance (File A-20/20)
 CityView #PL202000063
 Paul & Debora Van Kesteren
 22788 Creek Road
 Part of Lot 3, Concession 2
 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.

File A-20/20

Moved by Ken Stevenson, Seconded by Trevor Aldous

“That the Committee of Adjustment approve Minor Variance application File A-20/20, in Part of Lot 3, Concession 2, known as 22788 Creek Road, in the Community of Harwich, 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 required front yard setback from 19.8 m (64.8 ft.) to 16.7 m (55.0 ft.), to recognize a new front entrance addition, 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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- (d) Application for Consent (File B-28/20)
CityView #PL202000065
Jacob Unger
11621 Pinehurst Line
Part of Lot 19, Town Line Range Concession
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.

Jim Kovacs questioned if there were any issues with creating a separate driveway onto Pinehurst Line for the severed lot. Administration noted there are no issues for the implementation of a new access, and further, there was currently a non-granular based access along the severed portion of the lot.

File B-28/20

Moved by Richard Dunlop, Seconded by Curtis Carter

“That the Committee of Adjustment Consent application File B-28/20 to sever and convey a new residential lot, approximately 2,832 sq. m (30,492 sq. ft.) in area, shown as Part 1 on the applicant’s sketch, in Part of Lot 19, Town Line Range Concession, in the

Community of Harwich (McKay’s Corner), 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 pay \$500 cash-in-lieu of parkland dedication;**
- 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

Committee Member, Ken Stevenson left the meeting.

- (e) Applications for Consent (File B-30/20)
& Minor Variance (File A-21/20)
CityView #PL202000070
Robert & Tracy Kovar
10632 Fairview Line
Part of Lot 17, Concession 4
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.

File B-30/20

Moved by Richard Dunlop, Seconded by Trevor Aldous

“That the Committee of Adjustment approve Consent application File B-30/20 to sever a surplus dwelling (10632 Fairview Line), a detached garage, and other outbuildings on a

new 0.7 ha (1.8 ac.) lot, shown as Part 1 on the applicant’s sketch, in Part of Lot 17, Concession 4, 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 severed and retained parcels be transferred to Stan Gillier Farms Ltd., as outlined in the Agreement of Purchase & Sale, dated March 23, 2020;
- 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 the applicant 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; and,
- 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
Aldous	Yes
Carter	Yes
Dunlop	Yes
Stevenson	Absent
Suitor	Absent

Yes Votes: 4

No Votes: 0

Carried

File A-21/20

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-21/20 in Part of Lot 17, Concession 4, 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 recognize the further reduction in lot area of the retained parcel from 19.8 ha (48.9 ac.) to 19.1 ha (47.1 ac.), be approved, without conditions.”

The Chair put the Motion

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

Yes Votes: 4

No Votes: 0

Carried

- (f) Application for Minor Variance (File A-31/19)
 CityView #PL201900088
 Saloomah Sadeghi & Aryo Mehrabi
 44 Aberdeen Street
 Lot 69, Plan 684
 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 not being present at the meeting.

Administration noted that there were two errors in the recommendation and that the recommendation will be corrected accordingly in terms of a motion on the matter. Specifically:

- Correction 1: to change Recommendation 1(a) from 40 sq. m (132.2 sq. ft.) to 40 sq. m (430.6 sq. ft.); and
- Correction 2: to change Recommendation 1(a) from 18 sq. m (193.7 sq. m) to 25 sq. m (269 sq. ft.).

Curtis Carter noted that there was no bedroom shown on the sketch and questioned whether this was correct. Administration noted that this was correct, it was equivalent to a bachelor unit where everything was contained in one room with the exception of the washroom facilities.

Jim Kovacs asked whether there was any additional parking requirements for secondary dwelling units. Administration noted that there was no addition parking requirement.

File A-31/19

Moved by Trevor Aldous, Seconded by Richard Dunlop

“That the Committee of Adjustment approve Minor Variance application File A-31/19, in Lot 69, Plan 684, in the Community of Chatham (City), to provide relief from the Chatham-Kent Zoning By-law No. 216-2009, as amended:

Section 4.7 (3)(d), Dwelling Units, Dwelling Unit Area (Minimum), to reduce the minimum dwelling unit area for a secondary dwelling unit from 40 sq. m (430.6 sq. ft.) to 25 sq. m (269 sq. ft.); and

Section 4.7 (5)(b)(i), Dwelling Units, Dwellings Secondary, to reduce the interior side yard setback from 0.6 m (2 ft.) to 0.3 m (1.0 ft.),

to permit the conversion of part of the existing detached garage to a Secondary Dwelling, be approved, without conditions.”

The Chair put the Motion

Committee Member	Vote
Kovacs	Yes
Aldous	Yes
Carter	No
Dunlop	Yes
Stevenson	Absent
Suitor	Absent

Yes Votes: 3

No Votes: 1

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., June 25, 2020

Adjournment:

Moved by Curtis Carter, Seconded by Richard Dunlop

“That the Committee of Adjustment Citizen Panel adjourn at 9:49 a.m.”