



COMMITTEE OF ADJUSTMENT

Wednesday, October 26, 2011

6:30 p.m.

Court House, Council Chambers
57 Holland Street East, Bradford, ON

MINUTES

MEMBERS PRESENT: Stephen Fick
Ed Gres
Kevin Connor
David Morton
Mario Vittiglio

STAFF PRESENT: Leigh Ann Penner, Secretary Treasurer
Jen Kinsella, Planning Services Assistant

OTHERS: See Attendance Roster

1. **Call to Order**
COA 2011-075
Moved By: David Morton
Seconded By: Mario Vittiglio
"That this meeting of the Committee of Adjustment comes to order at 6:48 p.m."
CARRIED
2. **Declaration of Pecuniary Interest**
None.
3. **Approval of the Agenda**
COA 2011-076
Moved By: Mario Vittiglio
Seconded By: David Morton
"That the Amended Agenda of October 26, 2011 be approved as circulated."
CARRIED
4. **Acceptance of Minutes**
COA 2011-077
Moved By: Kevin Connor
Seconded By: Ed Gres
"That the Minutes for the September 28, 2011 meeting be adopted as circulated."
CARRIED
5. **Correspondence**
COA 2011-078
Moved By: Ed Gres
Seconded By: Kevin Connor
"That the correspondence as listed on the Agenda dated October 26, 2011 be received as circulated."
CARRIED

6. **BUSINESS**

MINOR VARIANCE APPLICATION NO. A14/11 BWG

APPLICANTS: David and Kathy Hughson

OWNER: Agostino Casimiri

LOCATION: Lot 68, Plan 51M-770; 30 Meadowview Drive

The applicant is applying for relief from Zoning By-law 2010-050 respecting the Residential One "R1-2" Zone standard to permit a reduced minimum exterior side yard setback in order to recognize the existing accessory building on the subject property.

Section	Zoning By-law 2010-050	By-law Requirement	Requested
Table 6.2	R1-2 Zone: Minimum Required Exterior Side Yard	3.50 m	0.23 m (as-built)

Mr. Casimiri approached the Committee and explained that he had recently purchased the house and was told by the previous owner that a variance request was needed but that it would not be a problem.

At the call of the Chair, the Secretary-Treasurer read the following correspondence:

- Memorandum from the Senior Engineering Technologist – Development (Perreault-Kinsella) dated October 19, 2011.

Member Morton asked if Mr. Casimiri had just purchased the home and who had submitted the Minor Variance application. Mr. Casimiri stated that he recently took possession and that the previous owner (Mr. David Hughson) had filed the application.

Member Vittiglio commented about the requirement for a building permit in order for the shed to be constructed and questioned the purpose of the shed. Mr. Casimiri explained that the shed is used to store garden equipment including his riding lawnmower.

Member Gres mentioned that the pictures that were supplied by the previous owners showed that there used to be a fence along the property line where the shed now sits and stated other homes on corner lots typically had a fence. He then asked the owner if a fence would be erected to be consistent with the area. Mr. Casimiri stated that he would complete any landscaping desired, including the planting of trees.

Member Connor asked Mr. Casimiri if the previous owner (the applicant) was in attendance at the meeting. Mr. Casimiri responded that Mr. Hughson was not.

The Chair sought further clarification regarding the use of the accessory structure and whether it was used for pool equipment. The property owner explained that it has been and will be used to store lawn equipment and a snow blower with all the pool equipment

to remain in its current location along the fence line in the rear yard of the property. Mr. Casimiri reiterated to the Committee that the previous owner stated that the required minor variance relief would not be a problem.

The Secretary-Treasurer stated that the planting of trees near the property line would not be permitted as the Town owns that portion of the land. She then commented on Mr. Vittiglio's concern regarding the need for a building permit and explained that a building permit was not required due to the size of the structure, but that the accessory structure was still subject to the Town's Zoning By-law and compliance was required.

There were no comments from members of the public in attendance.

The Chair questioned if the accessory structure was critical for the owner, to which Mr. Casimiri responded that he really needed the additional storage space and that the shed was one of the reasons he liked the home.

Member Morton asked if the shed could be moved inside the fence line and Member Connor wondered if it could be moved to the rear of the yard. Mr. Casimiri explained that it could not be moved behind the fence line because of the location of the existing pool deck. Mr. Casimiri added that there was not sufficient space at the rear of the property due to the cement pad around the pool.

The Chair then asked Mr. Casimiri if the minor variance was a condition of the purchase and sale agreement, to which Mr. Casimiri responded that it was not however, he was told that the variance was all taken care of. Member Vittiglio asked if the purchase and sale of the house was complete and Mr. Casimiri confirmed the agreement was final.

The Chair then called for a motion. A motion was provided by Member Morton and Member Gres requested to have the motion amended to include a condition to erect a fence. Member Morton stated he would like his motion to stand as is and that the wall of the shed serve as a fence.

COA 2011-079

Moved by: David Morton

Seconded by: Mario Vittiglio

"That the minor variance requested in the application known as File A14/11 BWG be **GRANTED** subject to the reasons and conditions outlined in Schedule "A."

CARRIED

CONSENT APPLICATION NO. B15/11 BWG

OWNERS/APPLICANTS: Ronald and Christine Orr

LOCATION: North Part of Lot 9, Concession 3; 3267 Line 4

The applicant wishes to sever a 1 hectare parcel of land from an existing 21.03 hectare landholding located on the south-side of Line 4. The purpose of the proposed severance is to create a new residential building lot.

Applicants Ron Orr and Mrs. Christine Orr, were present and introduced themselves to the Committee. They outlined that the intent of their application was to have a lot severed in order for their son to build a home and raise his family close to them.

At the call of the Chair, the Secretary-Treasurer read the following correspondence:

- Memorandum from the Senior Engineering Technologist – Development (Perreault-Kinsella) dated October 19, 2011.

Member Connor had no questions. Member Gres inquired if the land was being used for agricultural purposes and if the owners reside on the property. Mr. Orr responded by stating that they live on the property and that the front of the property had previously been dug-out for gravel to be used for the construction of Highway 400. They have since constructed a house on the top of the property.

There were no further questions from the Committee Members or members of the public in attendance.

COA 2011-080

Moved by: Kevin Connor

Seconded by: Ed Gres

"That the provisional consent requested in the application known as File B15/11 BWG be **GRANTED** subject to the reasons and conditions outlined in Schedule "B."

CARRIED

CONSENT APPLICATION NO. B16/11 BWG

OWNER/APPLICANT: Fernmark Homes Ltd., c/o Mr. Fernando Marques

LOCATION: Part Lots 10 and 12 on Registered Plan 122A; Plan 51R-38132, Part 1 and Part 2; 98 and 100 Centre Street

The applicant wishes to sever a 428.44 square metre parcel of land from an existing 856.55 square metre landholding located on the south-side of Centre Street. The purpose of the proposed severance is to create a new residential building lot to facilitate the construction of a semi-detached dwelling.

Mr. Marques was present and introduced himself to the Committee. Chair Fick stated that the Committee would hear applications B16/11 BWG and B17/11 BWG concurrently.

At the call of the Chair, the Secretary-Treasurer read the following correspondence:

- Memorandum from the Senior Engineering Technologist – Development (Perreault-Kinsella) dated October 19, 2011.

Mr. Marques explained that this had been a long process that had started with an earlier application for consent approval on the subject lands followed by applications for building permits, which had been granted. He noted that with foundations being constructed, the

next step was to apply for further severance of the lands in order to facilitate the sale of the semi-detached dwellings.

Members Vittiglio and Morton asked how Mr. Marques was able to obtain a building permit without the severances being issued. The Secretary-Treasurer clarified that it was appropriate at this time for Mr. Marques to apply for the severances. Member Morton then asked what the outcome would be if the Committee decided to deny the requested consent. Member Gres stated that the intended semi-detached dwellings would become duplexes. Chair Fick explained that the foundation wall is required to be constructed prior to applying for such severances in order for the zoning to be in compliance and that the property owner is able to undertake this process at any time prior to the occupancy of the units. The Committee Members had no further questions and the Chair called on the public for participation.

Mrs. Coward stood and raised concern regarding the creation of four long narrow lots and the parking arrangements, especially because the garages seemed close to the street. Chair Fick stated that each semi had adequate space for parking including one space in the garage and additional space from the garage to the road allowance. He stated that the zoning setback requires a 6 metre minimum and that Mr. Marques had provided 11 metres from the garage to the lot line, which would accommodate approximately three parking spaces.

Mr. Garbe asked if the semi-detached homes would be single family dwellings and he stated that he had heard each semi would have two dwelling units to make a total of eight units. Mr. Marques confirmed that each semi-detached home would be two units and that he had registered each accessory unit and met the requirements for the building permits.

A discussion ensued regarding the parking requirements with the added accessory units. Mr. Marques confirmed that the parking arrangements were above the zoning requirements and he had purposefully sited the homes to be set back in order to accommodate the parking requirements. The Secretary-Treasurer stated that with accessory units, each semi-detached home would require three parking spaces and that the owner was providing four.

Mrs. Coward asked if the property line was located before the sidewalk. Chair Fick explained that the property line is to the sidewalk and from the sidewalk to the road is Town property. There were no further questions from the public.

COA 2011-081

Moved by: Ed Gres

Seconded by: David Morton

"That the provisional consent requested in the application known as File B16/11 BWG be **GRANTED** subject to the reasons and conditions outlined in Schedule "C."

CARRIED

CONSENT APPLICATION NO. B17/11 BWG

OWNER/APPLICANT: Fernmark Homes Ltd., c/o Mr. Fernando Marques
LOCATION: Part Lots 11 and 13 on Registered Plan 122A; Plan 51R-38132, Part 3 and Part 4; 102 and 104 Centre Street

The applicant wishes to sever a 428.10 square metre parcel of land from an existing 855.66 square metre landholding located on the south-side of Centre Street. The purpose of the proposed severance is to create a new residential building lot to facilitate the construction of a semi-detached dwelling.

COA 2011-082

Moved by: Mario Vittiglio

Seconded by: David Morton

"That the provisional consent requested in the application known as File B17/11 BWG be **GRANTED** subject to the reasons and conditions outlined in Schedule "D."

CARRIED

8. OTHER BUSINESS

There was no other business.

9. ADJOURNMENT

COA 2011-083

Moved by: Ed Gres

Seconded by: Kevin Connor

"That this meeting of the Committee of Adjustment be adjourned at 7:30 p.m. to meet at the call of the Chair or November 23, 2011."

CARRIED

ORIGINAL SIGNED BY:

Leigh Ann Penner
Secretary-Treasurer
Committee of Adjustment

ORIGINAL SIGNED BY:

Stephen Fick
Chair
Committee of Adjustment