Minutes of the Committee of Adjustment
Corporation of the Municipality of Clarington

September 27, 2018

Municipal Administrative Centre, Council Chambers
40 Temperance Street, Bowmanville

Present	André O'Bumsawin	Member
	Gord Wallace	Member
	James Vinson	Member
	Todd Taylor	Chairperson
Away with notice	Shelley Pohjola	Member
	John Bate	Member

Shahzad Mir: Acting Secretary-Treasurer

1. Call to Order

Chairperson, Todd Taylor called the meeting to order at 7:00 pm

2. Disclosures of Pecuniary Interest

There were no pecuniary interests stated for this meeting

3. Applications

3.1 A2018-0009 Applicant/Owner: William Vogel
2607 Concession Rd 4, Darlington
Part Lot 11, Concession 3
Former Township of Darlington

The applicant did not attend the meeting.

The Committee felt that since this application had previously been approved with the same conditions, it was prudent to approve the application again.

There were no questions from the Committee or members of the public in objection or support.

Moved by André O'Bumsawin, Seconded by Gord Wallace.

"Based on our review of the application, all verbal comments received and the agency comments submitted, the application is deemed minor in nature, is considered desirable for the appropriate development and use of the land and maintains the general intent and purpose of the Zoning By-law and the Official Plans. The application to permit an addition to a place of worship by reducing the minimum rear yard setback from 15 metres to 11.2 metres by increasing the maximum permitted coverage from 5 percent to 12 percent, is **APPROVED** subject to the following condition:

a) that the existing temporary portable is removed from the property within 6 months of the date of the hearing of this application."

"Carried"

3.2 A2018-0041 Applicant/Owner: Bowmanville Lakebreeze West Village Ltd.
2 Clipper Lane, Bowmanville (Lot 55)
Part Lot 7 & 8, Concession BF
Former Township of Darlington

The Chairperson confirmed that the applications A2018-0041 through A2018-0043 be heard together. The Committee agreed.

A representative for the applicant, Richard Vink, made a verbal presentation to the Committee regarding the application. The explanation for the proposed variances was similar to what was outlined in the report prepared for these applications.

Committee member André O'Bumsawin asked Staff to clarify a discrepancy on the Staff Report. Secretary-Treasurer Shahzad Mir asked the Committee to ignore the values and addresses on the second page of the report as they were incorrect.

There were no questions from members of the public in objection or support.

Moved by André O'Bumsawin, Seconded by Gord Wallace.

"Based on our review of the application, all verbal comments received and the agency comments submitted, the application is deemed minor in nature, is considered desirable for the appropriate development and use of the land and maintains the general intent and purpose of the Zoning By-law and the Official Plans. The application to permit the reduction of an exterior side yard setback for a single detached dwelling from 4 metres to 3.49 metres, is **APPROVED**."

"Carried"

3.3 A2018-0042 Applicant/Owner: Bowmanville Lakebreeze West Village Ltd.
3 Yacht Drive, Bowmanville (Lot 50)
Part Lot 7 & 8, Concession BF
Former Township of Darlington

The Chairperson confirmed that the applications A2018-0041 through A2018-0043 be heard together.

There were no questions from the Committee or members of the public in objection or support.

Moved by André O'Bumsawin, Seconded by Gord Wallace.

"Based on our review of the application, all verbal comments received and the agency comments submitted, the application is deemed minor in nature, is considered desirable for the appropriate development and use of the land and maintains the general intent and purpose of the Zoning By-law and the Official Plans. The application to permit the

reduction of an exterior side yard setback for a single detached dwelling from 4 metres to 2.62 metres, is **APPROVED**."

"Carried"

3.4 A2018-0043 Applicant/Owner: Bowmanville Lakebreeze West Village Ltd.
3 Crows Nest Lane, Bowmanville (Lot 58)
Part Lot 7 & 8, Concession BF
Former Township of Darlington

The Chairperson confirmed that the applications A2018-0041 through A2018-0043 be heard together.

There were no questions from the Committee or members of the public in objection or support.

Moved by André O'Bumsawin, Seconded by Gord Wallace.

"Based on our review of the application, all verbal comments received and the agency comments submitted, the application is deemed minor in nature, is considered desirable for the appropriate development and use of the land and maintains the general intent and purpose of the Zoning By-law and the Official Plans. The application to permit the reduction of an exterior side yard setback for a single detached dwelling from 4 metres to 3.66 metres, is **APPROVED**."

"Carried"

3.5 A2018-0044 Applicant/Owner: Chandler Brown
2136 Regional Rd 18, Clarke
Part Lot 9, Concession 2
Former Township of Clarke

The applicant made a verbal presentation to the Committee regarding the application. The explanation for the proposed variance was similar to what was outlined in the report prepared for this application.

Committee member André O'Bumsawin questioned the applicant why the lot size did not have enough area to comply with the Zoning By-law. The applicant indicated that the minor variance was to satisfy conditions of a consent application, and the severed land was inside the hamlet boundary and the retained land was outside the hamlet boundary.

There were no questions from members of the public in objection or support.

Moved by André O'Bumsawin, Seconded by Gord Wallace.

"Based on our review of the application, all verbal comments received and the agency comments submitted, the application is deemed minor in nature, is considered desirable for the appropriate development and use of the land and maintains the general intent and purpose of the Zoning By-law and the Official Plans. The application to permit a lot for agricultural use in an Agricultural zone by reducing the minimum lot area requirement from 40 hectares to 29.7 hectares, is **APPROVED**."

"Carried"

3.6 A2018-0045 Applicant: Lifestyle Sunrooms Inc.
Owner: Albert & Catherine Barber
11 Carriage Lane, Courtice
Part Lot 32, Concession 2
Former Township of Darlington

The applicant made a verbal presentation to the Committee regarding the application. The explanation for the proposed variance was similar to what was outlined in the report prepared for this application.

Committee member Gord Wallace questioned the applicant regarding the source of the side yard setback measurement provided on the application.

The applicant did not seem to understand the question proposed by Committee member Gord Wallace.

Secretary-Treasurer Shahzad Mir attempted to clarify the question by asking the applicant whether the measurements on the site plan were determined by a survey, grading plan or themselves.

The applicant responded in the affirmative that the measurements were taken from a survey/grading plan.

Committee member Gord Wallace was not satisfied and did not agree with the 6.55 metres side yard setback of the dwelling that was provided on the site plan.

Secretary-Treasurer Shahzad Mir questioned committee member Gord Wallace what he felt the actual side yard distance from the property line to the dwelling was.

Committee member Gord Wallace stated that it was his opinion that the side yard distance between the southern property line and the dwelling was 6.29 metres.

Secretary-Treasurer Shahzad Mir asked committee member Gord Wallace how he felt the variance should change to reflect the adjusted measurement.

Committee member Gord Wallace stated that the variance should be adjusted from 5.2 metres to 4.75 metres.

Secretary-Treasurer Shahzad Mir stated that the Clarington Planning Services was satisfied that a reduction of the exterior side yard setback to 4.75 metres, would not be any more impactful than the reduction to 5.2 metres. Planning Services would support a reduction in the exterior side yard setback from 6 metres to 4.75 metres as it would still meet the four tests of a minor variance.

Committee Member Gord Wallace questioned the validity of the other measurements on the site plan.

Secretary-Treasurer Shahzad Mir stated that Clarington Planning Services does not require minor variance applications to include legal surveys as part of the application process as it is their opinion that it may become onerous too upon the applicant to pay a legal survey in addition to a minor variance.

Committee Member André O'Bumsawin questioned whether new notices would need to be circulated in light of an adjustment to a minor variance.

Secretary-Treasurer Shahzad Mir stated that there would be no need for the Clarington Planning Services to recirculate notices of the application if the Committee were to make an adjustment to the minor variance.

There were no questions from the Committee or members of the public in objection or support.

Moved by Jim Vinson, Seconded by André O'Bumsawin.

"Based on our review of the application, all verbal comments received and the agency comments submitted, the application is deemed minor in nature, is considered desirable for the appropriate development and use of the land and maintains the general intent and purpose of the Zoning By-law and the Official Plans. The application to permit the construction of a sunroom by reducing the exterior side yard setback from 6 metres to 4.75 metres, is **APPROVED**"

"Carried"

3.7 A2018-0046 Brent Lassila
193 Sprucewood Crescent, Bowmanville
Part Lot 8, Concession 2
Former Township of Bowmanville

The applicant did not attend the meeting.

There were no questions from the Committee or members of the public in objection or support.

Moved by André O'Bumsawin, Seconded by Gord Wallace.

"The application to permit the construction of a rear yard deck by increasing the lot coverage from 40% to 45%, is **TABLED**."

"Carried"

3.8 A2018-0047 Nathan Hajj
2333 Hancock Road
Part Lot 26, Concession 2
Town of Bowmanville

The applicant made a verbal presentation to the Committee regarding the application. The explanation for the proposed variance was similar to what was outlined in the report prepared for this application.

Committee Chair Todd Taylor questioned the staff if the existing garage could be removed after the completion of the new garage.

Secretary-Treasurer Shahzad Mir stated that the application has indicated his intention to remove the existing garage.

Committee Chair Todd Taylor questioned the applicant whether he would satisfy a condition to demolish the existing garage once the new garage was complete.

The applicant replied in the affirmative.

Committee Chair Todd Taylor asked if there were any members of the public in objection Mark Hanley asked the applicant what was the intent of the garage.

The applicant, Nathan Hajj, stated that his garage would be used to store his personal belonging.

Mark Hanley disagreed and stated he believed the applicant would be running his business from the garage.

The applicant stated that he has a warehouse in Oshawa from which he operates his business, and he would not be operating his business from his garage.

The applicant provided a letter of support from his neighbour at 2347 Hancock Road.

Committee Chair Todd Taylor stated to Mark Hanley that the Committee must take the applicant as acting with honesty and in good faith with regard to the use of the garage.

Committee Chair Todd Taylor questioned the staff as to the recourse should the applicant use his detached garage for commercial uses.

Secretary-Treasurer Shahzad Mir indicated that should the applicant use the accessory structure to operate a commercial business, By-law Enforcement can be notified to investigate and take appropriate action.

Theo Gerrits stated his objection to the proposal of the application.

There were no further questions or statements from the public regarding the application.

Moved by André O'Bumsawin, Seconded by James Vinson.

"Based on our review of the application, all verbal comments received and the agency comments submitted, the application is deemed minor in nature, is considered desirable for the appropriate development and use of the land and maintains the general intent and purpose of the Zoning By-law and the Official Plans. The application to permit the construction of a detached garage by increasing the maximum permitted total floor area from 90 square metres to 111.48 square metres in an Agricultural Zone, is **APPROVED**, subject to the following condition:

a) The existing garage shall be demolished within 6 months of final inspection. "

"Carried"

3.8 A2018-0048 Hazbije Gjureci
50 Arnold Johnston Street
Part Lot 32, Concession 2
Former Township of Darlington

The applicant's son in law made a verbal presentation to the Committee regarding the application. The explanation for the proposed variance was similar to what was outlined in the report prepared for this application.

There were no questions from the Committee or members of the public in objection or support.

Moved by James Vinson, Seconded by Gord Wallace.

"Based on our review of the application, all verbal comments received and the agency comments submitted, the application is deemed minor in nature, is considered desirable for the appropriate development and use of the land and maintains the general intent and purpose of the Zoning By-law and the Official Plans. The application to permit a deck by increasing the maximum lot coverage from 45% to 47.5%, is **APPROVED**."

"Carried"

4. Adoption of Minutes of Previous Meeting

Moved by James Vinson, seconded by John Bate.

"That the minutes of the meeting of the Committee of Adjustment, held on August 30, 2018, be **approved**"

5. Other Business:

- Appeal date for the foregoing applications is October 17, 2018.
- Next Meeting of the Committee of Adjustment is **October 25, 2018.**

6. Adjournment

Moved by Gord Wallace seconded by James Vinson.

"That the meeting adjourn at 8:18 pm."