



TOWN OF INGERSOLL MINUTES OF COMMITTEE OF ADJUSTMENT

The Committee of Adjustment met in session this 5th day of July, 2010 at 6:30 p.m. in the Council Chambers, Town Centre, 130 Oxford Street.

PRESENT: Dave Phillips
Nancy Phillips
John Chouinard
Dave McKenzie
Councillor John Fortner (arrives 6:55 p.m.)
Elaine Clark, Secretary-Treasurer

Chair Dave Phillips calls the meeting to order at 6:30 p.m.

MINUTES

Moved by John Chouinard; seconded by Nancy Phillips

CA10-07-006 That the minutes of the Committee of Adjustment held on February 16th, 2010 be adopted as printed and circulated.

CARRIED

CORRESPONDENCE

- a) County of Oxford Report No. 2010-185 (Don Wright, A-004/10)
- b) County of Oxford Report No. 2010-186 (1060038 Ontario Ltd. A-005/10)
- c) County of Oxford Report No. 2010-187 (Brenda Reashore – A-006/10)

APPLICATIONS

Application No. A-004/10 – Don Wright, 254 George St.

Elaine Clark highlights the County Planning Report and notes that the applications wishes relief from Section 6.2 (Zone Provisions) to reduce the required rear yard depth from 7.5 m (24.6 ft) to 3.96 m (13 ft) to permit an addition to the rear of an existing dwelling.

The subject property is zoned 'Special Residential Type 1 (R1-5), Open Space (OS) and Development (D) in the Town's Zoning By-law 04-4160 and is designated as Low Density Residential in the County of Oxford Official Plan. It is recommended that approval from Upper Thames Regional Conservation Authority be obtained for the proposed development.

Based on the application and a review of the application, County Planning staff are of the opinion that the application is acceptable and does not create an undesirable precedent. The application meets the 4 tests of a minor variance and is supportable from a planning point of view and should be granted.

No comments or questions from the Committee members or the owner.

A copy of the names and addresses of those who attended this meeting is attached.

Moved by Dave McKenzie; seconded Nancy Phillips

CA10-07-007 That the application submitted by Don Wright (File A-004/10) requesting relief to Section 6.2 to reduce the required rear yard depth from 7.5 m (24.6 ft) to 3.96 m (13 ft) to permit an addition to the rear of an existing dwelling be approved

CARRIED

Application No. A-005/10 – 1060038 Ontario Ltd, 97 Bell St.

Elaine Clark highlights the County Planning Report and notes that the applications wishes relief from Section 12.2 (Zone Provisions) to reduce the required side yard width from 10.0 m (32.8 ft) to 1.00 m (3.3 ft) to permit an addition to an existing dwelling.

The subject property is zoned Highway Commercial (HC) within the Town's Zoning By-law 04-4160 and is designated as Service Commercial within the Official Plan.

Considering that the long standing building already extends into the required interior side yard and the expansion does not preclude the further redevelopment of the subject property for service commercial purposes, it is Planning staff's opinion that the proposal meets with the intent of the Zoning By-law provisions. It is understood that the applicant is proposing the addition as a means to connect the public garage located on the property to the west (125 Bell St.) to the building on the subject property (97 Bell St.), thereby expanding the public garage operation.

Based on the application and a review of the application, County Planning staff are of the opinion that the application is acceptable and does not create an undesirable precedent. The application meets the 4 tests of a minor variance and is supportable from a planning point of view and should be granted provided a condition is imposed that requires the properties to be merged, thus eliminating the property boundary between the two properties.

Chair Dave Phillips questions if the owner of the said land understands the recommendation outlined in the Planning Report.

A copy of the names and addresses of those who attended this meeting is attached

Moved by Nancy Phillips; seconded by Dave McKenzie

CA10-07-008 That the application submitted by 1060038 Ontario Ltd, 97 Bell St. (File No. A-005/10) requesting relief from Section 12.2 (Zone Provisions) to reduce the required interior side yard width from 10.0 m (32.8 ft) to 1.0 m (3.3 ft) to permit an addition to an existing building be approved subject to 97 Bell St and 125 Bell St., as illustrated on Plate 1 of County Planning Report No. 2010-186 are merged on-title to the satisfaction of the Town of Ingersoll.

CARRIED

Application No. A-006/10 – Brenda Reashore

Elaine Clark highlights the County Planning Report and notes that the applications wishes relief from Section 5.1.1.3 (Regulations for Accessory Uses) to reduce the setback from the required 1.2 m (3.9 ft) to 0.05 m (0.16 ft) between the accessory building and the side lot line and reduce the setback from the required 1.2 m (3.9 ft) to 0.9 m (2.95 ft) between the accessory building and the existing dwelling.

The subject property is zoned Residential Type 1 (R1) and is designated as Low Density Residential in the Official Plan.

The variance is to permit an accessory building (pool cabana) on the subject property being approximately 4.47 m (14.67 ft) x 2.1 m (6.75 ft) in size. The structure is less than 10 m² in area and does not require a building permit but is considered a structure within the Town's Zoning By-Law and is in violation with the setback provisions for an accessory structure.

Based on the application and a review of the application, County Planning staff are of the opinion that the application is acceptable and does not create an undesirable precedent. The application meets the 4 tests of a minor variance and is supportable from a planning point of view and should be granted subject to the variance being limited only to the 4.47 m (14.67 ft) x 2.1 m (6.75 ft) accessory structure affected by the subject application.

Chair Dave Phillips questions how the drainage from the structure is to be contained on the subject land and if the structure could be re-located elsewhere on the site.

Mr. John Lewis, 42 David St, objects to the minor variance application for the following reasons:

- Desires to have the minimum 1.2 m setback from the interior side yard maintained
- Structure constructed prior to Minor Variance consideration
- Visual impact on the neighbourhood

Mr. Lewis questions if approved does this variance apply only to the subject land or to the neighbourhood and notes that he does not consider the re-location of the accessory structure to be a hardship.

Mr. Robert McCandless, 40 David St. objects to the approval of the minor variance application for the following reasons:

- Line of visibility
- Mr. DiGennaro in his capacity of a contractor should have an understanding of the requirements in the Zoning By-Law
- If approved, approval could establish a precedent
- If electrical in the structure, has the structure been inspected as it could be an issue near the water
- Impediment of drainage as structure being constructed within drainage swale

A copy of the names and addresses of those who attended this meeting is attached

Moved by John Chouinard; seconded by Dave Phillips

CA-10-07-009 That the application submitted by Brenda Reashore, 3 McMillan Court (A-006/10) requesting relief from Section 5.1.1.3 (Regulations for Accessory Uses) to reduce the setback from the required 1.2 m (3.9 ft) to 0.05 m (0.16 ft) between the accessory building and the side lot line and reduce the setback from the required 1.2 m (3.9 ft) to 0.9 m (2.95 ft) between the accessory building be approved provided that the variances are limited to the 4.47 m (14.65 ft) x 2.1 m (6.75 ft) accessory structure affected by the subject application.

CARRIED

ADJOURNMENT

That there being no further business, this meeting be adjourned.

CARRIED

7:10 p.m.

Elaine Clark, Secretary Treasurer

