

Minutes of the meeting of the Town of Lincoln Committee of Adjustment held in the Beamsville Room on Monday, April 24, 2006 at 7:00 p.m. Committee members present: John Schonewille (Chairman), Dianne Fullerton-Rintjema, Mark Fric, Robert Troup and Nancy Simon. Staff present: Monika Lombardi (Secretary-Treasurer).

MINUTES

Motion

Moved by Dianne Fullerton-Rintjema
Seconded by Mark Fric

Re: Adoption of Minutes of March 13, 2006.

That the Committee of Adjustment Minutes of March 13, 2006, be adopted as circulated.

CARRIED

PUBLIC MEETINGS

DECLARATION OF PECUNIARY INTEREST

The Chairman asked if there was any Declaration of Pecuniary Interest with respect to the applications being heard this evening. There was none declared.

The Chairman explained how the hearings would be conducted and the procedure under the Planning Act.

APPLICATIONS

(A) CN: 3-5-02-08 – Application A04/06
OWNER: Anna Murre
ROLL NO: 2622-030-009-03700-0000

Anna Murre and Rick Murre were in attendance in support of the application.

Mr. Murre stated that the existing barn is 6 ft. from the westerly boundary and they are requesting a 15 ft. setback. Mr. Murre stated that the existing barn is 80 to 100 years old and does not suit their purposes and it would be easier to build new.

In response to a question from Mark Fric, Mr. Murre stated that the proposed prefab storage buildings are typical storage buildings made of metal.

In response to a question from Mark Fric, Mr. Murre stated that he will discuss the required fire resistant wall with the CBO.

In response to a question from Diane Fullerton-Rintjema, Mr. Murre stated that the proposed storage buildings will not be used for wine, but rather for general public storage.

In response to a question from the Chairman, Mr. Murre stated that there will be gravel from the westerly wall to Vernon Street.

The Committee heard from Martin Vanderkraats, of 2783 Prince William Street. Mr. Vanderkraats was concerned with the use of the property and questioned whether the use will change. The Chairman explained that the uses on the property will remain the same and that storage is a permitted use.

Motion

Moved by Diane Fullerton-Rintjema
Seconded by Mark Fric

LOCATION OF SUBJECT LAND: #2769 Prince William Street, being Lot 47 & 48, Plan 41A, Jordan Station, in the Town of Lincoln.

PURPOSE OF APPLICATION: The applicant is proposing to demolish a barn and replace it with a storage building and is requesting approval of the following variances from the Prestige Industrial (PI) Zone Provisions:

- To allow a 4.5 metre (15 ft) westerly exterior side yard setback, whereas 10 metres (33 ft) is required;

- To allow a 5.4 metre (18 ft) front yard setback, whereas 15 metres (50 ft) is required; and
- To recognize the existing 2,023 square metres (0.5 ac) lot area, whereas 4,000 square metres (1.0 ac) is required;

That Application A04/06 in the name of Anna Murre

BE APPROVED for the reasons that the variance is minor in nature, desirable for the appropriate development of the lands and maintains the purpose and intent of the Town's Official Plan and Zoning By-law.

CARRIED

(B) CN: 3-5-02-08 – Application A05/06
OWNERS: William & Penny Groves
ROLL NO: 2622-030-014-12200-0000

William and Penny Groves were in attendance in support the application.

Mr. Groves stated that when he purchased the property he believed it to be one property. Mr. Groves stated that he believes putting the pool behind the garage would be the best location because there are existing trees and plants behind the house and they could also store pool equipment in the garage.

In response to a question from Robert Troup, Mr. Groves stated that joining the two lots is not an option for him because it would be very costly.

In response to a question from Dianne Fullerton-Rintjema, Mrs. Groves stated that the slope of the lands would not allow for a big pool.

In response to a question from Mark Fric, Mr. Groves stated that he received an e-mail from his lawyer's secretary saying that the two properties are actually one property. Mrs. Groves stated that they purchased the property three and a half years ago.

Motion

Moved by Nancy Simon

Seconded by Mark Fric

LOCATION OF SUBJECT LAND: #4083 Victoria Avenue, being Part Lot 2, Registered Plan M-2 in the former Township of Louth, now in the Town of Lincoln.

PURPOSE OF APPLICATION: An application has been made to the Town to permit an inground swimming pool and to recognize an existing 30'0" x 21'0" frame garage on a lot separate from the main residential use. The main residential use is located on the adjacent lot to the north, known municipally as #4085 Victoria Avenue. The Town's Zoning By-law permits a swimming pool and a detached garage as accessory uses to a main residential use on the same lot, but does not permit a swimming pool or detached garage until or unless the main building is established.

That Application A05/06 in the name of William & Penny Groves

BE APPROVED for the reasons that the variance is minor in nature, desirable for the appropriate development of the lands and maintains the purpose and intent of the Town's Official Plan and Zoning By-law.

CARRIED

(C) CN: 3-5-02-08 – Application A06/06
OWNER: Christine McAlpine
ROLL NO: 2622-010-003-25301-0000

Larry Chettle was attendance in support of the application Mr. Chettle stated that it is the owners intention to restore the house, retaining the deficient front yard setback. Mr. Chettle explained that the southerly wall must come down in order to restore the underlying foundation and that they require a Minor Variance Application to rebuild this wall.

In response to a question from Diane Fullerton-Rintjema, Mr. Chettle stated that the southeast corner of the house will be taken out.

Motion

Moved by Nancy Simon

Seconded by Robert Troup

LOCATION OF SUBJECT LAND: #4251 King Street (Regional Road No. 81), being Part of Lot 9, Concession 4, Part 1 of 30R-5008, former Township of Clinton, now in the Town of Lincoln.

PURPOSE OF APPLICATION: The applicant is proposing to renovate the existing two storey dwelling. The applicant is proposing to demolish the southerly wall to repair the underlying foundation and is requesting approval to rebuild the wall at the 8.58 metre (28.15 ft) existing front yard setback. The Town's Zoning By-law requires a 15 metre (50 ft) minimum front yard setback.

That Application A06/06 in the name of Christine McAlpine

BE APPROVED for the reasons that the variance is minor in nature, desirable for the appropriate development of the lands and maintains the purpose and intent of the Town's Official Plan and Zoning By-law.

CARRIED

(D) CN: 3-5-02-07 Application B02/06 LINCOLN
OWNER: Ronald Vahrmeyer
ROLL NO: Part of 2622-030-006-11100

Ron Vahrmeyer and Deborah McMahon were in attendance in support of the application.

Ms. McMahon stated that the Region's preliminary comments regarding Mr. Vahrmeyer's original request, to only sever Part 2 from Part 1 suggests that this severance would not be viable. Ms. McMahon stated that, it was then Mr. Vahrmeyer decided to swap lands. Ms. McMahon stated that the Town's Planning and Development Department and the Regional Planning and Development Department are not opposed to the land swap, but that the Town had imposed two conditions one being to rezone the lands and the other being from Public Works Department for a road widening. Ms. McMahon presented letters from two lawyers arguing that this was not necessary at this time. Ms. McMahon presented a notice of no objection to the proposal from three neighbours.

Mr. Vahrmeyer stated that it was his original request to give Part 2 to the greenhouse operation and that the Regional Planning and Development Department suggested he change the application. Mr. Vahrmeyer addressed the concerns of his neighbours.

In response to a question from Diane Fullerton-Rintjema, Mr. Vahrmeyer stated he and his wife live on Part 1 of 30R-8783.

In response to a question from Nancy Simon, Mr. Vahrmeyer stated that it is not his intention to add additional greenhouses at this time, but rather that his son is looking to live on Part 1 and grow curly willow.

In response to a question from Nancy Simon, Mr. Vahrmeyer stated that no additional truck traffic will occur on 23rd Street as a result of this application.

Robert Troup stated that a roadway along Part 1 is not an option because of the water course that runs through it. The Chairman also stated that the ingress and egress easement would only be for Part 7 and that Part 1 would not be included.

Mr. Vahrmeyer stated that he has spoken with his neighbours to assure them that it was never his intent to bring trucks onto Tallman Drive.

Lilian Baskott, of 3258 Tallman Drive stated that she takes comfort in knowing that trucks will not travel onto Tallman Drive. Ms. Baskott stated that she does not wish to see anymore greenhouses on Mr. Vahrmeyer's property. Ms. Baskott also explained that a previous bylaw to restrict truck traffic was not supported by Mr. Vahrmeyer.

In response to a question from Diane Fullerton-Rintjema, Mr. Vahrmeyer stated that Parts 2, 3, 4, 5 and 6 and not Part 7 are all leased to the owner of the greenhouse.

The Committee heard from Ernie Sersen, of 3290 Tallman Drive. Mr. Sersen had concerns about the viability of the proposed lots and stated that he believes the farms would be much more viable if they remained as they are.

The Committee heard from Theresa Sersen, of 3290 Tallman Drive. Ms. Sersen had concerns about drainage on the lands adjacent to her property. Mr. Vahrmeyer stated that there is a drainage pipe in that area and that he would be willing to show her where it is.

In response to a question from the Chairman, Theresa Sersen stated that there is under drainage on her property. Ms. Sersen also stated that Part 2 are viable lands and that these lands should not be used for the expansion of the greenhouses. Ms. Sersen stated that Part 7 are not viable lands.

The Committee heard from Tanya VanEs of 3258 Tallman Drive. Ms. VanEs stated that she does not support this application and has concerns with the ingress and egress easement over Part 6.

Mr. Vahrmeyer explained that truck traffic only began in March and that only one tractor trailer a day drives down 23rd Street. Mr. Vahrmeyer also stated that the greenhouses have been shut down since August and just reopened in March.

The Chairman asked the applicant if he would consider deferring this application until the request for a road widening on Tallman Drive has been clarified. Mr. Vahrmeyer stated that he does not wish to defer this application.

In response to a question from Diane Fullerton-Rintjema regarding the viability of Parts 1 and 7, Mr. Vahrmeyer stated that Parts 1 and 7 combined can be viable if his son decides to grow curly willow.

Ms. McMahan summarized the application and stated that, if there is an easement over Part 6 for the building on Part 7, trucks would save on gas by not having to drive out onto Tallman Drive. Ms. McMahan also stated that it is the applicant's request not to include the condition for rezoning and a road widening off of Tallman Drive.

Motion

Moved by Nancy Simon

Seconded by Diane Fullerton-Rintjema

LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:

Application is made for consent to convey 1.61 hectares (3.97 acres) of land, shown as Part 7 on the drawing submitted, being part of Lots 21 & 22, Concession 3, in the former Township of Louth, now in the Town of Lincoln.

Consent is also requested for an easement/right-of-way in perpetuity over 280 square metres (0.06 acre) of land, shown as Part 4 on the drawing, for the purpose of maintenance to the existing hydro transfer and lines in favour of the owner of the abutting lands to the north (Part 1 of Plan 30R-8783).

Consent is also requested for an easement/right-of-way in perpetuity over 2125.6 square metres (0.52 acre) of land, shown as Part 5 on the drawing, for the purpose of maintenance of the storm drain in favour of the owner of the abutting lands to the west (Part 1 of 30R-8783).

Consent is also requested for an easement/right-of-way in perpetuity over 4968.9 square metres (1.22 acre) of land, shown as Part 6 for the purpose of ingress and egress in favour of the proposed new owner of Part 7.

DECISION GRANTED

The above decision is subject to the following conditions and reasons:

CONDITIONS:

Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land has been conveyed to the owner of the parcel abutting to the **EAST**, the subject parcel and the said abutting parcel shall merge in title and become one parcel of land. A solicitor's written undertaking shall be

provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken.

That the applicant provide the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel, or a registrable legal description, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

That a final certification fee of \$250 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by **April 25, 2007**.

REASONS:

Consent permits a boundary adjustment and no new lots will be created.

This decision is rendered having regard to the provisions of Section 51(24) of the Planning Act, R.S.O. 1990 as amended.

CARRIED

(E) CN: 3-5-02-07 Application B03/06 LINCOLN
OWNER: Vine Developments Limited
ROLL NO: Part of 2622-030-006-19700

Motion

Moved by Dianne Fullerton-Rintjema
Seconded by Mark Fric

LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:

Application is made for consent to convey 1.25 hectares (3.08 acres) of land, shown as Part 2 on the drawing submitted, being part of Lots 21 & 22, Concession 3, in the former Township of Louth, now in the Town of Lincoln.

DECISION GRANTED

The above decision is subject to the following conditions and reasons:

CONDITIONS:

Pursuant to Section 50(12) of the Planning Act, R.S.O. 1990, it is hereby stipulated that Section 50(3) or 50(5) shall apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land. Therefore, once the subject parcel of land (Part 2) has been conveyed to the owner of the parcel abutting to the **WEST** (Parts 3, 4, 5, and 6), the subject parcel and the said abutting parcel shall merge in title and become one parcel of land. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance will be taken.

That the applicant provide the Secretary-Treasurer with the deeds in triplicate for conveyance of the subject parcel, or a registrable legal description, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

That a final certification fee of \$250 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by **April 25, 2007**.

REASONS:

Consent permits a boundary adjustment and no new lots will be created.

This decision is rendered having regard to the provisions of Section 51(24) of the Planning Act, R.S.O. 1990 as amended.

CARRIED

ADJOURNMENT

Motion

Moved by: Nancy Simon
Seconded by: Robert Troup

That the Committee of Adjustment meet again on June 12, 2006.

CARRIED

M. Lombardi

SECRETARY-TREASURER

Prepared by: Monika Lombardi
Prepared on: 2006 04 10
Copies to:

- Committee Members
- CAO (E-mail)
- Director of Planning and Development, Town of Lincoln (E-mail)
- Regional Planning Department



CHAIRMAN

/cc