

Minutes of the meeting of the Town of Lincoln Committee of Adjustment held in the Council Chambers on Tuesday March 23, 2010 at 7:00 p.m. Committee members present: Councillor R. Foster (Chair), Councillor J. Kralt, Councillor R. Condotta, Dianne Fullerton-Rintjema and Nancy Simon. Staff present: Monika Cocchiara (Secretary-Treasurer).

PUBLIC MEETINGS

DECLARATION OF PECUNIARY INTEREST

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

Chair Foster explained how the hearings would be conducted and the procedure under the Planning Act.

APPLICATIONS

(A) CN: 3-5-02-08 – Application A10/10
OWNERS: Nick & Marie Ruggiero
ROLL NO: 2622-020-020-17822-0000

The Secretary Treasurer provided a description of the purpose of the application.

Nick and Marie Ruggiero were in attendance in support of the application.

Mr. Ruggiero explained that the layout of the lot does not accommodate the deck.

In response to a question from Councillor Condotta, Mr. Ruggiero stated that it is not their intention to close in the deck.

In response to a question from Nancy Simon, Mr. Ruggiero stated that the lot is an inverted pie shape and the deck would bring them over the maximum required lot coverage.

In response to a question from Councillor Kralt, Mr. Ruggiero stated that the deck will be made of cedar.

In response to a question from Councillor Condotta, Mr. Ruggiero stated that the house has a walk-out basement.

In response to a question from Dianne Fullerton-Rintjema, Mr. Ruggiero stated that he was not aware that a future shed would require an additional variance.

In response to a question from Councillor Condotta, Mr. Ruggiero stated that there will be a door and patio stone under the deck.

In response to a question from Dianne Fullerton-Rintjema regarding why it is not possible to comply with the zoning by law, Mr. Ruggiero stated that they are trying to work with the layout of the lot. Mrs. Ruggiero described the design of the home.

In response to a question from Nancy Simon, Mrs. Ruggiero stated that there are no neighbours on either side of this lot.

In response to a question from Nancy Simon, Mrs. Ruggiero stated that the deck will not cover the entire backside of the house.

In response to a question from Nancy Simon regarding privacy, Mrs. Ruggiero stated that they have budgeted for a landscaper and will plant trees.

In response to a question from Nancy Simon, Mrs. Ruggiero stated that the lots on either side of them are at the same grade as their lot.

Councillor Condotta suggested that the applicants consider if they are planning on a future shed, to locate it under the deck so that no additional lot coverage is required. Mr. Ruggiero stated that they will consider it.

There was a discussion on the concerns with decks that overlook neighbour's properties.

Motion

Moved by Nancy Simon

Seconded by Councillor Kralt

LOCATION OF SUBJECT LAND: The subject lands are located at 4081 Highland Park Drive, being Lot 22, Plan 30M-380, formerly in the Township of Beamsville, Town of Lincoln.

PURPOSE OF APPLICATION: An application has been submitted by the owners of 4081 Highland Park Drive requesting approval to allow the total lot coverage for all buildings/structures to be 45%, whereas a maximum of 40% total lot coverage is permitted.

That Application A03/10 in the name of Nick & Marie Ruggiero

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: 3-5-02-07 – Application B02/10 LINCOLN
OWNER: Vine Developments Ltd.
ROLL NO: 2622-030-008-387000

The Secretary Treasurer provided a description of the purpose of the application.

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

Ms. McMahon gave an explanation and background of this property.

In response to a question from Nancy Simon, Ms. McMahon stated that the purchaser wishes to build a house closer to the road with a shorter driveway.

In response to a question from Nancy Simon, Ms. McMahon stated that the existing house will be demolished and Mr. Vahrmeyer stated that the existing garage will be removed.

In response to a question from Councillor Kralt, Mr. Vahrmeyer stated that a new house will replace the existing one.

In response to a question from Councillor Kralt, Mr. Vahrmeyer stated that municipal sewer has already been installed across both lots.

In response to a question from Chair Foster, Ms. McMahon stated that there are no plans to build a house on Part 1 in the near future.

Motion

Moved by Dianne Fullerton-Rintjema

Seconded by Councillor Condotta

LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:

Application is made for consent to convey 140 square metres (0.03 acres) of land, shown as Part 2 on the drawing submitted, being Part of Lot 16, Concession 2, former Township of Clinton, now in the Town of Lincoln.

DECISION GRANTED

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

CONDITIONS:

That the agricultural building on Part 1 be moved or removed from the lands.

That the owner of the abutting parcel to the **west & north (Part 3)** convey a minimum of 1 square foot of land (**Part 4**) to the satisfaction of the Town of Lincoln, such conveyance being required in order to facilitate the boundary adjustment proposed in this application and that said lands be free and clear of any mortgages, liens or encumbrances. All costs associated with this conveyance are the responsibility of the applicant.

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 **west & north**, 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 **March 24, 2011**.

REASONS

The application complies with the requirements of the zoning by-law and conforms to the policies of the Official Plan.

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

REVIEW OF PREVIOUS MINUTES

Motion

Moved by Councillor Kraft
Seconded by Nancy Simon

THAT the Committee of Adjustment Minutes of February 23, 2010 as amended be adopted as circulated.

CARRIED

OTHER CORRESPONDENCE

None.

OTHER BUSINESS

None.

ADJOURNMENT

Motion

Moved by Councillor Condotta
Seconded by Dianne Fullerton-Rintjema

That the Committee of Adjustment meet again on April 27, 2010.

CARRIED

M. Cocchiara

SECRETARY-TREASURER

CHAIR

Prepared by: Monika Cocchiara
Prepared on: 2010 03 09

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