

The Committee of Adjustment of the Town of Lincoln met for a public meeting on April 29, 2014, at 7:00 p.m. in the Lincoln Chambers.

Members Present:	J. Kraft D. Thompson J. Fisher M. Andrewes	Councillor (Chair) Councillor
Staff Present:	M. Cocchiara	Secretary Treasurer

Chair Kraft called the public meeting to order at approximately 7:00 p.m.

Chair Kraft explained how the meeting would be conducted and the procedure under the Planning Act.

DECLARATION OF PECUNIARY INTEREST

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

PUBLIC MEETINGS

(A) CN: 3-5-02-07 - Application: PLCON20140013
OWNER: Robert House
ROLL NO: 2622-030-008-23400

In attendance and who signed the attendance sheet: Robert House.

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

Margaret Andrewes questioned whether the applicants agreed with the conditions recommended by staff. Robert House stated that they are satisfied with the conditions.

Motion

Moved by Councillor D. Thompson
Seconded by John Kraft

LOCATION OF SUBJECT LAND: Application is made for consent to sever 0.4 hectares (1 ac) of land, Part 1 on drawing, being part of Lot 14, Concession 1, in the Town of Lincoln.

DECISION **GRANTED**

CONDITIONS:

That the owner remove the South Service Road access to the property to the northeast (prior Severance File B98/93) to the satisfaction of the Niagara Region Public Works Department.

That a 0.61 metre wide strip of land across the frontage of Part 2 and the adjacent lands to the northeast (prior severance file B98/93) be deeded gratuitously to the Regional Municipality of Niagara for road widening purposes; that such lands be conveyed free and clear of any mortgages, liens or encumbrances; and that all costs associated with the dedication be borne by the Owner.

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 remnant parcel of land (Part 2) has been conveyed to the owner of the parcel abutting to the northeast, the remnant 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 \$300 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by April 30, 2015.

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

(B) CN: 3-5-02-08 - Application: PLVAR20140026
OWNERS: Michael Bates & Wendy Butler
ROLL NO: 2622-030-009-08503

In attendance and who signed the attendance sheet: Michael Bates.

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

The Committee heard from Mr. Bates owner of the property. Mr. Bates explained that the variance is only for the front corner of the proposed garage addition.

In response to a question from John Fisher as to why this Variance is required, Mr. Bates explained that he is looking for extra garage space and that the garage will be a double garage.

Motion

Moved by Margaret Andrewes
Seconded by Councillor D. Thompson

LOCATION OF SUBJECT LAND: The subject lands are located at 2775 Chestnut Street, being Lots 83, 84 and Part of Lot 85 of Plan 41A, in the Town of Lincoln.

PURPOSE OF APPLICATION:

To permit a 5.4 metre front yard setback for a proposed garage addition to an existing single detached dwelling. The minimum front yard setback requirement for a single detached dwelling including an attached garage in a Residential 1 (R1) Zone is 6 metres.

That Application PLVAR20140026 in the name of Michael Bates & Wendy Butler

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.

DECISION

GRANTED

CARRIED

(C) CN: 3-5-02-07 - Application: PLCON20140030
OWNER: Elizabeth High
ROLL NO: 2622-040-016-00500

In attendance and who signed the attendance sheet: Robert Di Lallo.

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

The Committee heard from Robert Di Lallo, agent on behalf of the owner of the property. Mr. Di Lallo stated that the purpose of this consent application is to install an underground transmission line for Bell.

In response to a question from Councillor Thompson, Mr. Di Lallo stated that alternative means to access the property to the back were looked at, but that this means was the only possible option.

Motion

Moved by John Fisher
Seconded by Margaret Andrewes

LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:

Application is made for consent to an easement/right-of-way in perpetuity over 66.88 square metres of land, Part 1 on drawing, being part of Lot 207, Registered Plan M-2 in the Town of Lincoln.

DECISION **GRANTED**

CONDITIONS:

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 \$300 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by April 30, 2015.

REASONS:

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

CARRIED

(D) CN: 3-5-02-07 - Application: PLCON20140031
OWNER: James and Irene Bucknall
ROLL NO: 2622-040-017-12200

In attendance and who signed the attendance sheet: Arthur Fleming and James and Irene Bucknall.

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

The Committee heard from Mr. Fleming, agent on behalf of the owners of the property. Mr. Fleming stated that he wished to address the recommended conditions. Mr. Fleming stated that Condition #3 with regards to rezoning the subject lands was being withdrawn by staff. Mr. Fleming requested that Condition #5 with regards to extending the sewer north on Campden Road be done through a Development Agreement and not as a condition of consent. The Secretary Treasurer stated that staff requested the works be completed prior to final consent. Mr. Bucknall stated that he is fully prepared to put up a letter of credit or performance bond to have the works completed as part of a Development Agreement with the Town.

There was a discussion on bringing the application back to a subsequent meeting date, giving the owners time to consult with Town staff with regards to Condition #5.

Motion

Moved by Councillor D. Thompson
Seconded by Margaret Andrewes

LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:

Application is made for consent to sever 540.2 square metres (0.13 ac) of land, Part 1 on drawing, being part of Lot 10, Registered Plan M-14, in the Town of Lincoln.

DECISION **DEFERRED**

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

So that the applicant may consult and make alternative arrangements with Town staff with regards to condition #5.

CARRIED

(E) CN: 3-5-02-07 - Application: PLCON20140032
OWNER: James and Irene Bucknall
ROLL NO: 2622-040-017-12200

Motion

Moved by Councillor D. Thompson
Seconded by Margaret Andrewes

LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:

Application is made for consent to sever 529.6 square metres (0.13 ac) of land, Part 2 on drawing, being part of Lot 10, Registered Plan M-14, in the Town of Lincoln.

DECISION **DEFERRED**

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

So that the applicant may consult and make alternative arrangements with Town staff with regards to condition #5.

CARRIED

(F) CN: 3-5-02-07 - Application: PLCON20140033
OWNER: Michael & Maureen Maund
ROLL NO: 2622-010-022-005601

In attendance and who signed the attendance sheet: Ron Ticchiarelli, Michael and Maureen Maund, Romeo Di Giacinto and Peter Nywening.

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

The Committee heard from Mr. Ticchiarelli, agent on behalf of the owner of the property. Mr. Ticchiarelli explained that he would like to create 5 lots, that the existing house will be removed and that the future homes are to face Northgate Crescent.

In response to a question from Councillor Thompson with regards to the proposed frontages of the new lots, the Secretary Treasurer clarified what the proposed frontages will be.

The Committee heard from Peter Nywening of 4532 Bartlett Road. Mr. Nywening questioned the accuracy of the zoning in the staff report and expressed his concerns with the views he will have and wishes that the homes be set back from Northgate Crescent, so that he does not have houses in his backyard. Mr. Nywening also expressed concern with regards to the size of the proposed homes.

Mr. Ticchiarelli stated that the proposed homes will comply with the setback requirements in the Zoning By-law. Mr. Ticchiarelli stated that he can set the homes back 1 metre further than what the Zoning By-law requires. Mr. Ticchiarelli also stated that the height of the proposed homes will comply with zoning and will be two storeys.

Councillor Thompson stated that it is important to Council for new buildings to fit into the neighbourhood, but also expressed that the Committee is here to look at the severances and not the location of the proposed homes.

Mr. Nywening stated that he is concerned with the proposed grading, building locations, windows and wishes that the proposed homes have a consistent look. Mr. Nywening also stated that this may be an opportunity for him to sell his property.

Ms. Andrewes stated that she is pleased to see that there is a condition for a lot grading and servicing plan.

The Committee heard from Romeo Di Giacinto of 4809 Northgate Crescent. Mr. Di Giacinto expressed his support for the proposal.

The Committee heard from Michael Maund, owner of the subject lands. Mr. Maund stated that the Northgate developer wished to include his property in the development at the time but that he declined the offer. Mr. Maund stated that it is now his time to move on from this property.

Motion

Moved by John Fisher

Seconded by Margaret Andrewes

LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:

Application is made for consent to sever 545.0 square metres (0.13 ac) of land, Part 2 on drawing, being part of Lot 15, Concession 2, in the Town of Lincoln.

DECISION **GRANTED**

CONDITIONS:

That the applicants submit a comprehensive overall lot grading and servicing plan encompassing Parts 1, 2, 3, 4 and 5 of the subject property and obtain approval from the Town of Lincoln Public Works Department. The plan must show all proposed and existing services to ensure that all lots are serviced with individual water, sanitary and storm services and that the location of these services are contained within their respective lot.

That the applicants ensure that all lots are serviced with individual 20 mm water services, 125 mm sanitary sewer laterals and 100 mm storm sewer laterals in accordance with Town of Lincoln standards. Installation of all required services will require Utility Permits obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine if the services are in satisfactory condition prior to connection. The provision of all services shall be completed prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).

That the applicants obtain approval of Entrance Permits from the Public Works Department for the installation of entrances for all lots in accordance with Town of Lincoln standards.

That the applicants obtain the necessary permits and disconnect all existing municipal services at the property line to the satisfaction of the Public Works Department.

That the applicants remove the existing fencing along the entire Northgate Crescent frontage.

That the applicants construct a board-on-board fence along the entire Bartlett Road frontage as extension to the fence provided on lands immediately south known municipally as 4811 Northgate Crescent.

That the applicant(s) sign the Town of Lincoln's standard "Memorandum of Understanding" which explains that the development charges and cash in lieu of parkland are required prior to the issuance of a building permit.

That the applicants convey 0.3 metre wide reserve across the entire Bartlett Road frontage to the Town of Lincoln. The widening is to be conveyed free of cost and clear of any mortgages, liens or encumbrances.

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 \$300 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by April 30, 2015.

REASONS:

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

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

CARRIED

(G) CN: 3-5-02-07 - Application: PLCON20140034
OWNER: Michael & Maureen Maund
ROLL NO: 2622-010-022-005601

Motion

Moved by Councillor D. Thompson
Seconded by Margaret Andrewes

LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:

Application is made for consent to sever 545.0 square metres (0.13 ac) of land, Part 3 on drawing, being part of Lot 15, Concession 2, in the Town of Lincoln.

DECISION **GRANTED**

CONDITIONS:

That the applicants submit a comprehensive overall lot grading and servicing plan encompassing Parts 1, 2, 3, 4 and 5 of the subject property and obtain approval from the Town of Lincoln Public Works Department. The plan must show all proposed and existing services to ensure that all lots are serviced with individual water, sanitary and storm services and that the location of these services are contained within their respective lot.

That the applicants ensure that all lots are serviced with individual 20 mm water services, 125 mm sanitary sewer laterals and 100 mm storm sewer laterals in accordance with Town of Lincoln standards. Installation of all required services will require Utility Permits obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine if the services are in satisfactory condition prior to connection. The provision of all services shall be completed prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).

That the applicants obtain approval of Entrance Permits from the Public Works Department for the installation of entrances for all lots in accordance with Town of Lincoln standards.

That the applicants obtain the necessary Building Permits and demolish the existing dwelling and accessory structure located on Parts 3 and 4 to the satisfaction of the Chief Building Official.

That the applicants obtain the necessary permits and disconnect all existing municipal services at the property line to the satisfaction of the Public Works Department.

That the applicants remove the existing fencing along the entire Northgate Crescent frontage.

That the applicants construct a board-on-board fence along the entire Bartlett Road frontage as extension to the fence provided on lands immediately south known municipally as 4811 Northgate Crescent.

That the applicant(s) sign the Town of Lincoln's standard "Memorandum of Understanding" which explains that the development charges and cash in lieu of parkland are required prior to the issuance of a building permit.

That the applicants convey 0.3 metre wide reserve across the entire Bartlett Road frontage to the Town of Lincoln. The widening is to be conveyed free of cost and clear of any mortgages, liens or encumbrances.

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 \$300 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by April 30, 2015.

REASONS:

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

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

CARRIED

(H) CN: 3-5-02-07 - Application: PLCON20140035
OWNER: Michael & Maureen Maund
ROLL NO: 2622-010-022-005601

Motion

Moved by Councillor D. Thompson
Seconded by Margaret Andrewes

LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:

Application is made for consent to sever 480.3 square metres (0.12 ac) of land, Part 4 on drawing, being part of Lot 15, Concession 2, in the Town of Lincoln.

DECISION **GRANTED**

CONDITIONS:

That the applicants submit a comprehensive overall lot grading and servicing plan encompassing Parts 1, 2, 3, 4 and 5 of the subject property and obtain approval from the Town of Lincoln Public Works Department. The plan must show all proposed and existing services to ensure that all lots are serviced with individual water, sanitary and storm services and that the location of these services are contained within their respective lot.

That the applicants ensure that all lots are serviced with individual 20 mm water services, 125 mm sanitary sewer laterals and 100 mm storm sewer laterals in accordance with Town of Lincoln standards. Installation of all required services will require Utility Permits obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine if the services are in satisfactory condition prior to connection. The provision of all services shall be completed prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).

That the applicants obtain approval of Entrance Permits from the Public Works Department for the installation of entrances for all lots in accordance with Town of Lincoln standards.

That the applicants obtain the necessary Building Permits and demolish the existing dwelling and accessory structure located on Parts 3 and 4 to the satisfaction of the Chief Building Official.

That the applicants obtain the necessary permits and disconnect all existing municipal services at the property line to the satisfaction of the Public Works Department.

That the applicants remove the existing fencing along the entire Northgate Crescent frontage.

That the applicants construct a board-on-board fence along the entire Bartlett Road frontage as extension to the fence provided on lands immediately south known municipally as 4811 Northgate Crescent.

That the applicant obtain approval of Minor Variance application PLVAR20140037 allowing a reduced lot frontage for Part 4.

That the applicant(s) sign the Town of Lincoln's standard "Memorandum of Understanding" which explains that the development charges and cash in lieu of parkland are required prior to the issuance of a building permit.

That the applicants convey 0.3 metre wide reserve across the entire Bartlett Road frontage to the Town of Lincoln. The widening is to be conveyed free of cost and clear of any mortgages, liens or encumbrances.

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 \$300 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by April 30, 2015.

REASONS:

The application conforms to the policies of the Official Plan and with conditions fulfilled, it will also comply with the zoning by-law.

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

CARRIED

(I) **CN: 3-5-02-07 - Application: PLCON20140036**
OWNER: Michael & Maureen Maund
ROLL NO: 2622-010-022-005601

Motion

Moved by John Fisher

Seconded by Councillor D. Thompson

LOCATION OF THE LAND AND PURPOSE OF THIS APPLICATION:

Application is made for consent to sever 514.7 square metres (0.12 ac) of land, Part 5 on drawing, being part of Lot 15, Concession 2, in the Town of Lincoln.

DECISION **GRANTED**

CONDITIONS:

That the applicants submit a comprehensive overall lot grading and servicing plan encompassing Parts 1, 2, 3, 4 and 5 of the subject property and obtain approval from the Town of Lincoln Public Works Department. The plan must show all proposed and existing services to ensure that all lots are serviced with individual water, sanitary and storm services and that the location of these services are contained within their respective lot.

That the applicants ensure that all lots are serviced with individual 20 mm water services, 125 mm sanitary sewer laterals and 100 mm storm sewer laterals in accordance with Town of Lincoln standards. Installation of all required services will require Utility Permits obtained and approved by the Public Works Department. If existing services are proposed for reconnection, such services shall be inspected by the Public Works Department to determine if the services are in satisfactory condition prior to connection. The provision of all services shall be completed prior to consent and the applicants shall bear all costs associated with these works (design, construction, etc.).

That the applicants obtain approval of Entrance Permits from the Public Works Department for the installation of entrances for all lots in accordance with Town of Lincoln standards.

That the applicants obtain the necessary permits and disconnect all existing municipal services at the property line to the satisfaction of the Public Works Department.

That the applicants remove the existing fencing along the entire Northgate Crescent frontage.

That the applicants construct a board-on-board fence along the entire Bartlett Road frontage as extension to the fence provided on lands immediately south known municipally as 4811 Northgate Crescent.

That the applicant(s) sign the Town of Lincoln's standard "Memorandum of Understanding" which explains that the development charges and cash in lieu of parkland are required prior to the issuance of a building permit.

That the applicants convey 0.3 metre wide reserve across the entire Bartlett Road frontage to the Town of Lincoln. The widening is to be conveyed free of cost and clear of any mortgages, liens or encumbrances.

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 \$300 payable to the Town of Lincoln, be submitted to the Secretary-Treasurer.

That all conditions of consent be fulfilled by April 30, 2015.

REASONS:

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

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

CARRIED

(J) CN: 3-5-02-07 - Application: PLVAR20140037
OWNER: Michael & Maureen Maund
ROLL NO: 2622-010-022-005601

Motion

Moved by John Fisher
Seconded by Margaret Andrewes

LOCATION OF SUBJECT LAND: The subject lands are located at 4514 Bartlett Road, being part of Lot 15, Concession 2 and Parts 1 to 3 of 30R-11359 in the Town of Lincoln.

PURPOSE OF APPLICATION:

To permit a 10.8 metre lot frontage for a proposed lot (Part 4 on severance sketch). The minimum lot frontage requirement for a single detached dwelling in a Residential 2 (R2) Zone is 12 metres.

That Application PLVAR20140037 in the name of Michael & Maureen Maund

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.

DECISION

GRANTED

CARRIED

(K) CN: 3-5-02-07 - Application: PLVAR20140037
OWNER: 1419406 Ontario Inc., 1419405 Ontario Inc., 2252620 Ontario Inc.
ROLL NO: no new roll number

Motion

Moved by Margaret Andrewes
Seconded by Councillor D. Thompson

LOCATION OF SUBJECT LAND: The subject lands are located on the west side of Alyssa Drive, being Block 112 of 30M-420, in the Town of Lincoln.

PURPOSE OF APPLICATION:

- To permit a minimum lot area of 75 square metres per unit, whereas the minimum lot area per unit is 90 square metres;
- To permit a minimum lot frontage of 6.2 metres per unit on a public or private street, whereas the minimum lot frontage is 6.5 metres per unit on a public or private street; and
- To permit a minimum front yard setback of 5.8 metres for a garage, whereas the minimum front yard setback for a garage is 6 metres from a lot line that divides the lot from a public or private street.

That Application PLVAR20140038 in the name of 1419406 Ontario Inc., 1419405 Ontario Inc., 2252620 Ontario Inc.

BE DEFERRED at the request of the applicant. This application may be returned to the Committee for further consideration upon the written request of the applicant and receipt of the appropriate rescheduling fee.

DECISION

DEFERRED

CARRIED

REVIEW OF MINUTES

Motion

Moved by Councillor D. Thompson
Seconded by John Fisher

THAT the Committee of Adjustment Minutes of February 25, 2014 be adopted as corrected.

OTHER CORRESPONDENCE

None.

OTHER BUSINESS

None

ADJOURNMENT

Motion

Moved by John Fisher
Seconded by Margaret Andrewes

That the Committee of Adjustment meet again on May 29, 2014.

CARRIED

M. Cocchiara
SECRETARY-TREASURER

J. -n. Mact
CHAIR

Prepared by: Monika Cocchiara
Prepared on: 2014 04 23

Copies to: -Committee Members
-CAO (E-mail)

MC:cc