

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING B-22-21  
HELD AT CIVIC COMPLEX, CITY OF CORNWALL, SALON A  
AT 5:00 P.M., ON TUESDAY, JULY 6TH, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Member, Mr. Ray Contant and Mr. Ben de Haan attended the meeting. Lindsay Parisien, Development Planner and Christina Seguin, Secretary-Treasurer were present.

The hearing was being held to consider an application by 1498057 & 1497665 Ontario Inc. (A/Ayman Gabriel) (2525 Brookdale Avenue) who is asking for: **Consent to convey a parcel of land located at 2525 Brookdale Avenue (former Cornwall Camping Site) as a lot addition to 2605 Brookdale Avenue. This will accommodate the Engineering requirements for Storm Water Management to the Cornwall Nissan dealership.**

THAT the Agenda be approved.

**Moved By: Mr. Ben de Haan**

**Seconded By: Mr. Ray Contant**

**Motion Carried**

There were no conflicts of interest.

Mr. Ayman Gabriel attended the meeting.

Department Comments were read by Christina Seguin, Secretary/Treasurer.

**DEPARTMENT/AGENCY COMMENTS:**

**Engineering Division**

No objections. Please provide a Reference Plan for the parcel of land to be conveyed. Construction drawings for the storm water management ditch to be located on the conveyed parcel are to be submitted to the City's Engineering Department for review and approval prior to proceeding with construction. Please submit the referenced drawing "C101-New Grading & Property Line – Swale Plan & Section" by EFI. The City's Engineering Department has not yet received and reviewed this drawing.

**Economic Development**

No objections.

**Traffic Division**

No objections.

**Municipal Works Division**

No objections.

**Buildings and Permits Division**

No objections.

**Zoning Section**

No objections.

**Planning Division**

The property in question 2525 Brookdale Avenue is located in a Highway Commercial (C.H.) zone. The owner has obtained a Site Plan approval for the adjacent property and has developed a KIA and Nissan Auto Dealership.

As detailed in the application and submitted drawings, the applicant is requesting an Easement to accommodate the proposed Storm Water Management ditch. The Easement will be in favor of the property owner and must be Registered.

The City of Cornwall's Engineering Department is requesting this Easement therefore, Planning is supportive. It is suggested that the Committee applies conditions to their decision based on the comments received from the Engineering Department.

The Official Plan directs the Committee to consider applications under;

14.11.4 In reviewing consent applications, the Committee of Adjustment shall have regards for:

- a) the impact upon and adequacy of municipal or on-site services, utilities and community facilities;
- f) the requirements or comments of other City and public agencies or authorities.

## DISCUSSION

Mr. Ben de Haan asked why the Maintenance Agreement was mentioned in the comments on application B-23-21 and not B-22-21. Lindsay Parisien, Development Planner told the Committee that she would contact the Engineering Department in the morning for comment.

## IN-CAMERA SESSION

**Motion to MOVE INTO A CLOSED MEETING** after hearing all parties at the Committee of Adjustment meeting, at approximately 5:20 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

**239** (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

**Moved By: Mr. Ben de Haan**  
**Seconded By: Mr. Ray Contant**

**Motion Carried**

## Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

**Item 1– B-22-21 Debate and Decision regarding: Lot Addition.**

(g) a matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

1. **Consent to convey a parcel of land located at 2525 Brookdale Avenue (former Cornwall Camping Site) as a lot addition to 2605 Brookdale Avenue. This will accommodate the Engineering requirements for Storm Water Management to the Cornwall Nissan dealership.**
2. **The lots are serviced.**
3. **The land is suitable for the purpose for which it is to be subdivided.**
4. **There were no objections.**

**Moved By: Mr. Stephen Alexander**  
**Seconded By: Mr. Ray Contant**

**Motion Carried**

**RISE AND REPORT**

**Item 1– B-22-21**

**Motion to allow Consent for (Lot Addition)**



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Christina Seguin, Secretary/Treasurer  
Committee of Adjustment-City of Cornwall

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING B-23-21  
HELD AT CIVIC COMPLEX, CITY OF CORNWALL, SALON A  
AT 5:00 P.M., ON TUESDAY, JULY 6TH, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Member, Mr. Ray Contant and Mr. Ben de Haan attended the meeting. Lindsay Parisien, Development Planner and Christina Seguin, Secretary-Treasurer were present.

The hearing was being held to consider an application by 1498057 Ontario Inc. (A/Ayman Gabriel) (2605-2655 Brookdale Avenue) who is asking for: **Consent to convey a parcel of land along the rear of 2605 and 2655 Brookdale Avenue (Cornwall Nissan and Kia Dealership) to accommodate the Engineering requirements in order to establish a Maintenance Agreement for Storm Water Management.**

THAT the Agenda be approved.

**Moved By: Mr. Ben de Haan**

**Seconded By: Mr. Ray Contant**

**Motion Carried**

There were no conflicts of interest.

Mr. Ayman Gabriel attended the meeting.

Department Comments were read by Christina Seguin, Secretary/Treasurer.

**DEPARTMENT/AGENCY COMMENTS:**

**Engineering Division**

No objections. Lot grading to be maintained as per the approved construction drawings "Grading and Servicing Plan" for the Cornwall Nissan development.

The proposed shared drainage easement shall be owned, inspected, and maintained solely by the property owners by way of maintenance agreement between property owners.

Please provide a draft Reference Plan and updated as-built construction drawings to reflect these changes.

**Economic Development**

No objections.

**Traffic Division**

No objections.

**Municipal Works Division**

No objections.

**Buildings and Permits Division**

No objections.

**Zoning Section**

No objections.

**Planning Division**

The property in question 2605 - 2655 Brookdale Avenue is located in a Highway Commercial (C.H.) zone.

The owner has obtained a Site Plan approval for this property and has developed a KIA and Nissan Auto Dealership.

As detailed in the application and submitted drawing, the applicant is requesting an Easement to accommodate the Storm Water Management Pond located in the rear of the property. The Easement will be in favor of the property owner and property owner's Solicitor will be responsible for establishing a Maintenance Agreement. The Easement and Maintenance Agreement should be Registered on Title.

The City of Cornwall's Engineering Department is requesting this Easement therefore, Planning is supportive. It is suggested that the Committee applies conditions to their decision based on the comments received from the Engineering Department.

The Official Plan directs the Committee to consider applications under;

14.11.4 In reviewing consent applications, the Committee of Adjustment shall have regards for:

- a) the impact upon and adequacy of municipal or on-site services, utilities and community facilities;
- f) the requirements or comments of other City and public agencies or authorities.

### DISCUSSION

See application B-22-21.

### IN-CAMERA SESSION

**Motion to MOVE INTO A CLOSED MEETING** after hearing all parties at the Committee of Adjustment meeting, at approximately 5:20 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

**239 (1)** Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

**Moved By: Mr. Ben de Haan**  
**Seconded By: Mr. Ray Contant**

**Motion Carried**

### Exceptions

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

#### **Item 2– B-23-21 Debate and Decision regarding: (Maintenance Agreement)**

(g) a matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

1. **Consent to convey a parcel of land along the rear of 2605 and 2655 Brookdale Avenue (Cornwall Nissan and Kia Dealership) to accommodate the Engineering requirements in order to establish a Maintenance Agreement for Storm Water Management.**
2. **The lots are serviced.**
3. **The land is suitable for the purpose for which it is to be subdivided.**
4. **There were no objections.**


Moved By: Mr. Stephen Alexander  
Seconded By: Mr. Ray Contant

**Motion Carried**

**RISE AND REPORT**

Item 2– B-23-21

Motion to allow Consent for **(Maintenance Agreement)**



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Christina Seguin, Secretary/Treasurer  
Committee of Adjustment-City of Cornwall

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING B-24-21  
HELD AT CIVIC COMPLEX, CITY OF CORNWALL, SALON A  
AT 5:00 P.M., ON TUESDAY, JULY 6TH, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Member, Mr. Ray Contant and Mr. Ben de Haan attended the meeting. Lindsay Parisien, Development Planner and Christina Seguin, Secretary-Treasurer were present.

The hearing was being held to consider an application by Rodney & Rachel Besner (**143-145 Bellwood Drive**) who is asking for: **Consent to convey a parcel of land as two separate parcels to allow for separate legal description of a semi-detached dwelling at 143-145 Bellwood Drive.**

THAT the Agenda be approved.

**Moved By: Mr. Ben de Haan  
Seconded By: Mr. Ray Contant**

**Motion Carried**

There were no conflicts of interest.

Mr. Rodney Besner attended the meeting.

Department Comments were read by Christina Seguin, Secretary/Treasurer.

**DEPARTMENT/AGENCY COMMENTS:**

**Engineering Division**

No objections. Ensure lot drainage is maintained per the approved construction drawing C1.15 – Partial Site Grading Plan for the Bellwood Ridge Estates Subdivision Phase 2 & 3. There is a common rear yard swale located along Lot 10, Plan 52M-38. No obstructions are permitted to impede the common rear yard swale.

**Economic Development**

No objections.

**Traffic Division**

No objections.

**Municipal Works Division**

No objections as long as each unit has its own water and sewer service.

**Buildings and Permits Division**

No objections.

**Zoning Section**

No objections.

**Planning Division**

Planning has reviewed the application and inspected the site. The property is located on Lot 10, Plan 52M-38 (Bellwood Ridge Estates Subdivision, Phase 2) in a Residential 20 with exceptions (RES 20 EXC) zone.

The semi-detached dwelling is located at 143-145 Bellwood Drive and the applicant is requesting to sever the lot so as to create a separate legal description of the property. This is a technical severance; therefore, Planning is supportive.

**DISCUSSION**

There was no discussion pertaining to this application.

**IN-CAMERA SESSION**

**Motion to MOVE INTO A CLOSED MEETING** after hearing all parties at the Committee of Adjustment meeting, at approximately 5:20 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

**239** (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

**Moved By: Mr. Ben de Haan**  
**Seconded By: Mr. Ray Contant**

**Motion Carried**

**Exceptions**

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

**Item 3– B-23-21 Debate and Decision regarding: Semi-detached.**

(g) a matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

1. **Consent to convey a parcel of land as two separate parcels to allow for separate legal description of a semi-detached dwelling at 143-145 Bellwood Drive.**
2. **The lots are serviced.**
3. **The land is suitable for the purpose for which it is to be subdivided.**
4. **There were no objections.**

**Moved By: Mr. Stephen Alexander**

**Seconded By: Mr. Ray Contant**

**Motion Carried**

**RISE AND REPORT**

**Item 3– B-24-21**

**Motion to allow Consent for (Semi-detached)**

  
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Christina Seguin, Secretary/Treasurer  
Committee of Adjustment-City of Cornwall

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-22-21  
HELD AT CIVIC COMPLEX, CITY OF CORNWALL  
AT 5:00 P.M., ON TUESDAY, JULY 6, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 5:00 p.m. Members of the Committee Mr. Ben de Haan and Mr. Ray Contant also attended the meeting. Mrs. Lyndsay Parisien, Development Planners & Christina Seguin, Secretary/Treasurer were present.

The hearing was being held to consider an application by Falcon Home Construction (1401 Power Dam Drive) who are asking for: **Asking for relief from the Zoning By-law for a rear yard setback of 7.4 metres and a minimum lot area of 403.55 square metres when the Zoning By-law requires a minimum setback of 10 metres.** This application is to accommodate a new single-family dwelling at 1401 Power Dam Drive.

THAT the Agenda be approved.

**Moved By: Mr. Ben de Haan**

**Seconded By: Mr. Ray Contant**

**Motion Carried**

There were no conflicts of interest.

Mr. Marc Brisson attended the meeting.

Department Comments are read by Christina Seguin.

**DEPARTMENT/AGENCY COMMENTS:**

**Engineering Division**

**Condition of Approval Required:**

- The 4m road widening allowance along Power Dam Drive needs to be dedicated to the city. This should be reflected on Reference Plan 52R-8280 or a new Reference Plan submitted. This needs to be a condition of approval.

Regarding proposed lot grading plan:

- Please provide comment regarding the existing stairs encroaching onto the subject property.

**Economic Development**

No objections.

**Traffic Division**

No objections.

**Municipal Works Division**

No objections.

**Buildings and Permits Division**

Spatial separation calculations will be verified at Building Permit submission.

**Zoning Section**

As a result of the required 4m road allowance along Power Dam Drive which must be dedicated in favor of the City for future road widening; the property's lot area will also require a Minor Variance from the Committee of Adjustment as the overall size is being reduced as per the calculations provided below:

Lot Area:  $15.24 \text{ m} \times (30.48\text{m} - 4\text{m}) = 403.55 \text{ sq. m.}$

Therefore, the Committee shall also consider a reduced lot area of 403.55 sq. m., to accommodate the proposed two storey, single-detached dwelling, when the Zoning By-law requires a minimum lot area of 464 sq. m.

**Planning Division**

Planning has reviewed details of the application, inspected the site and is conditionally supportive.

The vacant parcel is legally described as Part Lot 18, being Part 1 and 2 on Reference Plan 52R-8280. This parcel was created via Consent Application B-43-18 and is zoned Residential 10 (RES 10).

The applicant wishes to reduce the rear yard setback from 10m to 7.4m which translates to a 2.6m differential. The purpose of the proposed reduction is to accommodate the applicant's preferred residential model as reflected on the submitted Site Plan and associated drawings.

The abutting land to the south is City-owned property. This parcel will accommodate a future road connection that will provide an alternate road access into the Parkwood Estates Subdivision which is currently under construction. Due to the future road connection, the subject parcel and proposed single-detached dwelling will eventually become a corner lot.

Therefore, the applicant has proposed an exterior side yard setback of 6m to ensure Zoning compliance.

In addition, a 4m road allowance is required to accommodate the future road widening of Power Dam Drive. The applicant will be required to provide a Reference Plan confirming the 4m road allowance along Power Dam Drive has been dedicated in favor of the City and should be a condition upon approval of this Minor Variance application.

Furthermore, an additional Minor Variance for a reduced lot area of 403.55 sq. m. shall be considered by the Committee at this time and reflected in the decision. The submitted Site Plan has proposed a front yard setback of 10m. Therefore, the required front yard setback of 6m has been accounted for with the submitted Site Plan.

14.8.2 In considering applications for Minor Variances, the Committee shall consider:

b) whether the intent and purpose of the Official Plan and Zoning By-law can still be met if the variance is granted

f) comments from adjacent owners and residents

g) that in approving the minor variance no dangerous precedent would be created.

h) comments from City Departments.

### **DISCUSSION**

Mr. Marc Brisson (Falcon Home Construction) asked the Committee if he had to come back to the city to apply for another Minor Variance. Mr. Stephen Alexander told the applicant that he did not have to apply for another Minor Variance and that we would simply add the lot area of 403.55 square metres to the Decision.

### **IN-CAMERA SESSION**

**Motion to MOVE INTO A CLOSED MEETING** after hearing all parties at the Committee of Adjustment meeting, at approximately 5:20 p.m. to address matters pertaining to Section 239 (2) and (3.1) of the Municipal Act, 2001 S.O. 2001 S.O. 2001, Chapter 25:

**239** (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

**Moved By: Mr. Ben de Haan**  
**Seconded By: Mr. Ray Contant**

**Motion Carried**

**Exceptions**

(2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

**Item 4 – A-22-21 Debate and Decision regarding: Single Family Dwelling.**

(g) a matter in respect of which a council, board, committee, or other body may hold a closed meeting under another Act (Planning Act Section 45 (6))

After some discussion, it was the Committee's unanimous decision that the application be **APPROVED** for the following reasons:

1. Asking for relief from the Zoning By-law for a rear yard setback of 7.4 metres and a minimum lot area of 403.55 square metres when the Zoning By-law requires a minimum setback of 10 metres. This application is to accommodate a new single-family dwelling at 1401 Power Dam Drive.
2. The variance is **DESIRABLE** for the appropriate development or use of the land, building and structures.
3. The variance **MAINTAINS** the general intent and purpose of the Official Plan and Zoning By-law.
4. There were no objections.

Moved By: Mr. Stephen Alexander

Seconded By: Mr. Ray Contant

**Motion Carried**

**RISE AND REPORT**

**Item 4 – A-22-21**

Motion to allow Minor Variance for: **Single Family Dwelling**

  
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Christina Seguin, Secretary/Treasurer

Committee of Adjustment-City of Cornwall