

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING B-20-21
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 4:30 P.M., ON TUESDAY, JUNE 22ND, 2021 (VIRTUAL MEETING)**

Chair, Mr. Stephen Alexander called the meeting to order at 4:30 p.m. Member, Mr. Ray Contant and Mr. Ben de Haan attended the Zoom meeting. Alex Gatién, Development Planner, Christina Seguin, Secretary-Treasurer and Ely Daniels, Administrative Assistant were present.

The hearing was being held to consider an application by Doug & Cathy Villeneuve (**2261 Pitt Street**) who are asking for: **Consent to convey a parcel of land as two separate parcels, creating a new lot to allow for separate legal description.**

THAT the Agenda be approved.

Moved By: Mr. Ray Contant

Seconded By: Mr. Ben de Haan

Motion Carried

There were no conflicts of interest.

Mr. Doug Villeneuve attended the meeting.

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

DEPARTMENT/AGENCY COMMENTS:

Engineering Division

No objections. The proposed parcels described as Part 1 & Part 5 in the consent application are situated at elevations lower than the adjoining parcels to the north. To account for this elevation change, the lot grading of Plan 52M-39 Northwoods Forest Subdivision-Phase 1 incorporates a slope to Part 1 & Part 5 along the northern boundaries (see the attached construction drawing C1.13-Partial Site Grading Plan).

Alterations to the lot grading as per C1.13-Partial Site Grading Plan shall not be permitted. Any future development on Part 1 & Part 5 shall require a lot grading plan.

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

Planning has reviewed the details of the application, inspected the site and is supportive. The property is located on Part Lot 33, Plan 156, being Parts 1, 2 and 5 on Plan 52R-2763, known municipally as 2261 Pitt Street.

The applicant is requested to sever Parts 1 and 5 from Part 2 so as to create a separate legal description.

The severance is a re-allocation of the property, and all parts will remain under common ownership. No development is currently planned for Parts 1 and 5.

Official Plan 14.11.4 – In review Consent applications, the Committee of Adjustment shall have regard for:

b) compatibility with adjacent land uses.

e) the creation of an orderly development pattern; impact upon the comprehensive development of adjacent property.

g) the size and shape of the parcel created and the residual parcel and the effect upon proposed and existing uses.

DISCUSSION

Mr. Ben de Hann asked why there is a recommendation for a condition to move the accessory structure at time of development.

Mr. Alex Gatien said that the Zoning By-law is clear that you cannot have an accessory structure on a property without a main dwelling. The Development Planner told the Committee that this is a recommendation and not a condition.

Mr. de Haan asked the Planner if Part 1 went right to Mercier and mentioned that the only frontage this lot has is on Pitt Street. Mr. Gatien told Mr. de Haan, that this was correct.

The Chair asked the applicant if he had any further comments. Mr. Villeneuve responded that he did not have any further questions.

Mr. Donald Smith of 26 Mercier Avenue mentioned to the Committee that when he purchased his home, J.F. Markell Homes (Mr. Markell) told him that nobody would build in the back for the next 25 years. He went on to say that if he knew there was going to be a new build, he would have never bought in that area.

Mr. Stephen Alexander asked Mr. Villeneuve to clarify that Part 2 is being severed and that the portion that goes out to Pitt Street is going to be one lot. Mr. Villeneuve said that if the lot was sold, he would not decide where to locate the home.

Mr. Smith asked if the lot is already there, would there be another road built to access the home and would there be 2 lane ways for 2 different houses. The Planner told Mr. Smith that the Planning Department would not support another severance, therefore there will be only one driveway. Mr. Smith asked if the building could be an apartment complex. Mr. Gatien said no as the frontage of the street is quite small and continued to say that the only thing that Planning would support is 1 home as the lot is large, but the frontage is small. Mr. Alexander said that if someone tried to build an apartment building there would only be 50' of frontage and that would require variances.

Mr. Alexander asked the Planner if there were 4 plexes south of the lot. Mr. Gatien said yes and that they were approved 25 years ago. He went on to say that Planning would not support a 4 plex on the lot in question. Mr. Smith asked the Planner if he knew what size of a home the purchaser would build on the lot. Mr. Villeneuve said that a subsequent owner would decide that and that at this time they are keeping the land.

Mr. Smith thanked the Committee for answering his questions.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:45 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. Ray Contant

Seconded By: Mr. Ben de Haan

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-20-21 Debate and Decision regarding: New Lot.

(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, creating a new lot to allow for separate legal description.**
2. **The lots are serviced.**
3. **The land is suitable for the purpose for which it is to be subdivided.**
4. **There were objections.**

Moved By: Mr. Ray Contant

Seconded By: Mr. Ben de Haan

Motion Carried

RISE AND REPORT

Item 1– B-20-21

Motion to allow Consent for (New Lot).

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

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-19-21
HELD AT CIVIC COMPLEX, CITY OF CORNWALL (VIRTUAL MEETING)
AT 4:30 P.M., ON TUESDAY, JUNE 22ND, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 4:30 p.m. Members of the Committee Mr. Ben de Haan and Mr. Ray Contant also attended the meeting. Alex Gatien, Development Planner, Christina Seguin, Secretary/Treasurer and Ely Daniels, Administrative Assistant were present.

The hearing was being held to consider an application by Doug & Cathy Villeneuve (**2261 Pitt Street**) who are asking for: **Asking for relief from the Zoning By-law to permit an accessory structure to be located in the rear portion of the property without an associated main dwelling.**

THAT the Agenda be approved.

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

Motion Carried

There were no conflicts of interest.

Mr. Doug Villeneuve attended the meeting.

Department Comments are read by Christina Seguin.

DEPARTMENT/AGENCY COMMENTS:

Engineering Division

No objections.

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

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

The existing accessory structure is in a Residential 20 (RES 20) zone, on Part Lot 33, Plan 156, being Part 5 of Plan 52R2763 and is known municipally as 2261 Pitt Street. The accessory structure was constructed in 1987.

The variance is associated with a severance application to create separate parcels for Part 2, and Parts 1 and 5 on 52R-2763. Parts 1, 2 and 5 will remain under common ownership.

Section 01-2-5 of the Zoning Bylaw states that "An accessory building may only be constructed if there is a main building on site."

While on a separate parcel from the dwelling at 2261 Pitt Street, the accessory building will be used to store equipment for maintaining Parts 1 and 5 as it has been used for approximately 34 years. Functionally it will continue to serve as an accessory building to the residence at 2261 Pitt Street.

There are currently no plans to develop Parts 1 and 5, but should development occur, Planning would recommend that a condition to the variance be the removal of the accessory structure prior to new construction on Parts 1 and 5.

Official 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

See application B-20-21

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:45 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. Ray Contant

Seconded By: Mr. Ben de Haan

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 – A-19-21 Debate and Decision regarding: Accessory Structure.

(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 to permit an accessory structure to be located in the rear portion of the property without an associated main dwelling.**
- 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 objections.

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

Motion Carried

RISE AND REPORT

Item 2 – A-19-21

Motion to allow Minor Variance for: **Accessory Structure**

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

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING B-21-21
HELD AT CIVIC COMPLEX, CITY OF CORNWALL
AT 4:30 P.M., ON TUESDAY, JUNE 22ND, 2021 (VIRTUAL MEETING)**

Chair, Mr. Stephen Alexander called the meeting to order at 4:30 p.m. Member, Mr. Ray Contant and Mr. Ben de Haan attended the Zoom meeting. Alex Gatien, Development Planner, Christina Seguin, Secretary-Treasurer and Ely Daniels, Administrative Assistant were present.

The hearing was being held to consider an application by 2710525 Ontario Inc. (A/Jeff Kirkey) (2355-2357 Watson Crescent) 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 2355-2357 Watson Crescent.**

THAT the Agenda be approved.

Moved By: Mr. Ray Contant

Seconded By: Mr. Ben de Haan

Motion Carried

There were no conflicts of interest.

Mr. Jeff Kirkey 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 C3.1-Partial Site Grading Plan for the East Ridge Subdivision Phase 7 & 8. There is a common rear yard swale located along Lot 10, Plan 52M-53. No obstructions are permitted to impede the common rear yard swale.

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

Planning has reviewed the details of the application, inspected the site and is supportive. The property is located on Lot 10, Plan 52M-53 (East Ridge Subdivision, Phase 7) in a Residential 20 (RES 20) Zone. The semi-detached dwelling is located at 2355-2357 Watson Crescent and the applicant is requesting to sever the lot so as to create a separate legal description. This 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 5:45 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. Ray Contant
Seconded By: Mr. Ben de Haan

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-21-21 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 2355-2357 Watson Crescent.**
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. Ray Contant

Seconded By: Mr. Ben de Haan

Motion Carried

RISE AND REPORT

Item 3– B-21-21

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

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

**COMMITTEE OF ADJUSTMENT PUBLIC HEARING A-20-21
HELD AT CIVIC COMPLEX, CITY OF CORNWALL (VIRTUAL MEETING)
AT 4:30 P.M., ON TUESDAY, JUNE 22ND, 2021**

Chair, Mr. Stephen Alexander called the meeting to order at 4:30 p.m. Members of the Committee Mr. Ben de Haan and Mr. Ray Contant also attended the meeting. Alex Gatien, Development Planner, Christina Seguin, Secretary/Treasurer and Ely Daniels , Administrative Assistant were present.

The hearing was being held to consider an application by Joan Carsen (A/Adam Jodoin) (320 York Street) who are asking for: **Asking for relief from the Zoning By-law to permit a maximum accessory building height of 7.1 metres from grade to peak when the Zoning By-law requires a maximum building height of 5.0 metres for the construction of an accessory building at 320 York Street.**

THAT the Agenda be approved.

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

Motion Carried

There were no conflicts of interest.

Mrs. Joan Carsen and Mr. Adam Jodoin attended the meeting.

Department Comments are read by Ely Daniels.

DEPARTMENT/AGENCY COMMENTS:

Engineering Division

No objections. Any surface water runoff (such as evestroughs and downspouts) associated with the proposed accessory building to outlet within the parcel shall not be directed towards adjacent properties.

Economic Development

No objections.

Traffic Division

No objections.

Municipal Works Division

No objections.

Buildings and Permits Division

No objections. The property is subject to some current building permit applications.

Zoning Section

No objections.

Planning Division

Planning has reviewed the details of the application, inspected the site and is supportive. The property is located in a Residential 30 zone (RES 30), on Part Lot 22, S/S Fourth Street and Part Lot 22, N/S Third Street, known municipally as 320 York Street. The house and the existing detached carriage shed were built in 1885.

The Minor Variance is seeking to permit the construction of a new accessory building in the same style as the existing structure. The proposed height of the accessory building is 7.1 metres, and the current accessory building is 5.8 metres high. The maximum permitted height for an accessory building is currently 5 metres, making the new building 2.1 metres higher than permitted and 1.3 metres higher than the current structure. The additional height is to permit easier access to storage space. The current "carriage shed" has a second-storey loft space for storage.

The new building will meet the required setbacks for accessory structures, whereas the current carriage shed does not. It will also be moved further back from the street. There are no windows proposed on the north side of the carriage shed that would overlook the neighbouring property.

While 320 York is not a listed or designated heritage property, the main dwelling is of architectural merit from a heritage perspective.

Upon review of various Planning related documents, a series of Official Plan strategies and policies have been highlighted for the Committee to consider when reviewing this application:

Official Plan 10.2.3. - Encourage the viable/ sustainable use or adaptive re-use of historical structures and integrate these structures into the urban fabric.

10.2.4 - Encourage compatible new development in areas which contain cultural heritage resources, such as historical structures or heritage streetscapes.

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. & Mrs. Frank Leroux told the Committee that they reside south of the property in question and have lived there for 18 years. They mentioned that they object to the variance and feel like they will be blocked in with the new height of the proposed Minor Variance. The couple felt that the residents should have been sent information about Building Codes and wondered if Heritage Cornwall was consulted. Mr. Alexander mentioned that the accessory building was not protected by the Ontario Heritage Act and the Planner said that it is not listed as a designated building and Heritage Cornwall is only concerned with the exterior facades of buildings.

Mrs. Julie Brisebois of 323 York Street told the Committee that the Carriage House is a beautiful building and wondered why it had to be moved or re-constructed. The agent, Adam Jodoin, said that the Carriage House is decrepit and that the upstairs is unusable. He said that the building will be moved back about 14 feet from where it is now, and the goal is to have similar style as the existing structure. Mrs. Carsen told the neighbours that it will be used for storage. Mrs. Brisebois told the Committee that the owners are going to turn the accessory structure into an Art Studio.

Mr. Gatien reassured the neighbour that you are allowed to have a small business in your home. The applicant mentioned that she was retired, and that painting is a hobby, and the accessory building would not be an Art Gallery. She went on to say that they purchased the home because it was a small house on a large lot and the Zoning By-law would allow them to do what they wanted to do. She told the Committee that when she lived in Quebec, the province would not let them do the construction therefore it is why they came to Ontario. Mr. Alexander told the neighbours that the issue about Quebec was not relative to tonight meeting.

The neighbours told the Committee that when Mrs. Carsen moved in, she told them that she was going to have an Art Studio. They also felt that she had no consideration for the neighbours.

Mrs. Brisebois was concerned about how long it would take for the construction of the new structures and that there would be a lot of congestion on York Street. The applicant did not know a timeline for construction but said that they wanted it to be done quickly. The Agent mentioned that it would probably take up to 1 year to finish the construction. Mrs. Brisebois felt that their foundation would be affected with the construction across the street and felt that someone from the City should inspect their property. The Chair told Mrs. Brisebois that the applicant can get insurance to inspect the home before construction.

Mr. Jodoin said that the Carriage House is slab on grade (16" in the ground). Mr. Leroux and his wife said that the Carriage House has been taken care of for years and the windows and roof were intact and did not look decrepit. The applicant told the Committee that the Carriage House was built with used materials.

Mrs. Brisebois wanted to know what the percentage of structures were allowed on a lot. Planner, Alex Gatien said that you are allowed up to 10% in terms of accessory buildings and up to a maximum of 93 square metres with the maximum of 60 square metres for each accessory building. He went on to say that a house can cover a maximum of 35% and a total lot coverage of 45%. Mrs. Carsen mentioned that the ground floor (footprint) is 35%. Mr. Alexander said that it is not the Ontario Building Code that sets out a maximum lot occupancy, but it is the City's Zoning By-law. He asked if Mr. Gatien could send Mr. Leroux the excerpt of the Zoning By-law. Mr. Gatien told the residents that every municipality have Zoning By-laws and that Cornwall is not unique and went on to say that if the project meets the Zoning By-law, you are allowed it and if it does not you need a Minor Variance.

Mrs. Brisebois asked the Planner if the Carriage Shed is 10%. Mr. Jodoin told the neighbour that the Carriage Shed is 4.2 % and the addition is below 35% which did not require a variance. The Planner reiterated that the 2 accessory structures were under 10%.

Mrs. Leroux asked the Committee what the area was zoned at. The Planner said it is a denser area and is zoned Residential 30 which allows for single family dwellings and could possibly build a small apartment building. Mr. Leroux also felt that the structure (50' long) would hug his fence line and that the Baptist Church already prevents them from seeing anything in their back yard. They went on to say that they are now considering selling their home. Mrs. Leroux asked if the applicant had their permits. Mr. Alexander said that they did not have their permits in current form because it violates the maximum height, therefore 1st step is to get approval of the Minor Variance. Mr. Alexander mentioned that he understood the concerns as people are passionate about their neighbourhoods.

The Chairman, Mr. Alexander, said that the Minor Variance in front of the Committee was only for the height of the new structure. Mr. Gatién, Development Planner told the neighbours that the other structures on the property comply with the Zoning By-laws.

IN-CAMERA SESSION

Motion to MOVE INTO A CLOSED MEETING after hearing all parties at the Committee of Adjustment meeting, at approximately 5:45 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. Ray Contant
Seconded By: Mr. Ben de Haan

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-20-21 Debate and Decision regarding: Accessory Structure.

(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 to permit a maximum accessory building height of 7.1 metres from grade to peak when the Zoning By-law requires a maximum building height of 5.0 metres for the construction of an accessory building at 320 York Street.**
- 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 objections.

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

Motion Carried

RISE AND REPORT

Item 4 – A-20-21

Motion to allow Minor Variance for: **Accessory Structure**

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