



COMMITTEE OF ADJUSTMENT

MEETING MINUTES

6thth MEETING OF 2021

TUESDAY OCTOBER 19, 2021

The sixth meeting of 2021 for the Committee of Adjustment of the Township of Brock was held on Tuesday, October 19, 2021 virtually by Microsoft Teams.

Members Present:

- George Hewitt
- Peter Prust
- William Basztyk
- Ralph Maleus
- Gloria Stewart

Others Present:

- Matt Gross (applicant)
- Darilyn Dickhout (public)
- Dave and Diane Dickhout (public)
- Marcus Moss & Jennifer Macdonald (public)
- Jen Tracey (public)
- John Grant (Mayor of Brock Township)

Staff Present:

- Richard Ferguson, CBO
- Debbie Vandenakker, Planner / Secretary-Treasurer (recording minutes)

1. **CALL TO ORDER** – Chair George Hewitt – 7:02 p.m.
2. **DECLARATION OF CONFLICT OF INTEREST**
3. **CONFIRMATION OF MINUTES** – 5th meeting – August 17, 2021

Resolution 1-6

MOVED BY Ralph Maleus and seconded by Peter Prust, that the minutes of the 5th meeting of the Township of Brock Committee of Adjustment, as held on August 17, 2021, be taken as read, confirmed, and signed by the Chair and Secretary-Treasurer.

CARRIED

4. HEARING OF APPLICATIONS

Application A-12/21 GROSS

Name of Applicant / Agent:	Matthew and Christine Gross
Address of Applicant / Agent:	2384 Concession Road 2, Sunderland ON
Location of Property:	2384 Concession Road 2, Sunderland ON
Purpose of Application:	Relief from Zoning By-law 287-78-PL, Section 10.1b) RELATION TO STREET and Plate C, Row 11, Column F requiring a front yard setback of 11m to allow for the construction of shed closer to the street than the primary dwelling and 5m from the front lot line.
Effect of Application:	To allow the construction of a 12ft. by 20ft. shed.

4a) Presentation of Application A-12/21 GROSS

- **Does the owner or agent wish to speak to the application?**

Matt Gross: When we moved in several years ago, there was an existing shed at the front of the property and it was deteriorating and needed replacing. I replaced it and then realized there was an issue doing that. We are now applying for a minor variance to correct it. I have had many compliments on it.

- **Does anyone else wish to speak to the application?**

George Hewitt: What size was the old shed?

Matt Gross: 8x19 feet. It was pressure treated lumber construction of various sizes with a canvas overlay over it.

Ralph Maleus: I visited the site and met the property owner. I had most of my questions answered. I also have read all the comments from the neighbours. It is unfortunate that we are having the conversation now rather than before it was built, but that is not uncommon.

Gloria Stewart: The new building doesn't appear to be near any services. Is there a cement foundation under the demolished building and was it re-used?

Matt Gross: No, it is on 6-inch concrete footings - like a thicker patio slab.

Gloria Stewart: I'm not sure if that would impact the ability to move the building or not. I'm wondering if the construction of the shed would allow it to be moved?

Richard Ferguson: I would need to see the drawings of how it is constructed to make a determination. If at that time it doesn't comply then we will deal with the construction aspect.

Gloria Stewart: It is a nice-looking building.

Peter Prust: I attended the site a couple of times. I spoke with the proponent and my questions have been answered. The building is roughly in keeping with the neighbourhood and other properties to be used to store materials etc. in a similar spot. The neighbouring building to the west is canvas but in the same location. I read the various comments. I would note that many comments are focussed on the view and you don't own your view. That isn't something we can consider. I would like it commented on that one neighbour commented on needing to reposition their building so I would like that cleared up.

Bill Basztyk: We are looking for two factors for relief. The first is the relation to the street and the second is the set-back. I had a chance to read the comments submitted. One question does arise. Why could this building not be built in the back yard?

Matt Gross: The grade changes from the front to the back and it wouldn't allow for a level installation of the building without a lot of additional work. The slope from left to right and front to back, so to level the shed it would have needed piers. The flat area at the front gave a much more structurally sound area to have the shed.

4b) Written Submissions for A-12/21 GROSS

- None received from agencies.
- Committee members provided with copies of written comments from Diane Park-Filion and Darilyn and Dave Dickhout.

Ms. Dickhout: I want to confirm that each member of the committee received and read the comments.

Committee: Yes.

Ms. Dickhout: The building is pre-fabricated. It was brought in on a truck and placed on the patio slabs so it can be moved. The applicant has said that the back yard is not suitable and it is suitable to build this shed as others have done. I also wonder why the existing building that is already in the backyard isn't included in the application. Page 4 of the application does not list the building in the back yard. The only existing building showing is the principal residence.

Richard Ferguson: There is a small building in the back yard that maybe should have been included. It may not be a "building" in the building code as it needs to be larger than 10' X 10' but it would appear to be an oversight on the application.

Dave Dickhout: The whole point that Mr. Gross is making that it isn't suitable. There is a 10x10ft. shed and the neighbour to the east got a permit for a garage next to it. It is suitable to have the shed in the backyard and I want that on the record.

Diane Park-Filion: My husband and I built a garage and started the construction back in May. We were told that we could not stay with our original design because it was 5 feet in front of our main residence. We re-designed the building and rotated it and had to widen the driveway. I was shocked to find out that there is a neighbour that has a permanent structure in the front. I didn't know that was an option. Had I known I would have kept my original design. This seems unfair because people that do the right thing are told no when getting their permits, but if you just do it and you can maybe get permission with a Minor Variance. It seems inconsistent and the whole process seems that if you do the right thing, you don't get what you want. I want to point out that if the zoning by-law says you can't have a structure in front of your residence, then you shouldn't be able to have it.

Richard Ferguson: I take some exception to what Mrs. Filion is saying. I spoke with her husband in late March. Initially the design was gable end toward the road and about 5 feet beyond the house. I spoke with Mr. Filion and advised him of his options for a minor variance or change the design. About 3 weeks later another site plan was submitted with the building rotated from what was originally proposed and that met the setback requirements. Mr. Filion was given the option for a Minor Variance at the time and he thought it was ridiculous to pay for a minor variance application for 5 feet.

Mrs. Dickhout: Mr. Gross indicated that the building was not in sight of anyone. It is. It can see it. We have to look at it everyday from the common uses of our home. I don't have a nice open view, I have 100% of their building to look at. I am affected every single day. The old shed building was not a permanent structure. My question to Mr. Gross also – they warn their customers that it is their responsibility to check zoning and he clearly did not do that.

Resolution 2-6

MOVED BY Ralph Maleus and seconded by Bill Baszyk that Minor Variance Application File No. A-12/21 GROSS as made by Matt and Christine Gross, be approved. The proposed use is considered minor in nature, within the general intent and purpose of the Official Plan and Zoning By-law, and desirable in the opinion of the Committee.

CARRIED

4d) CONFIRMATION OF DECISION for A-12/21 GROSS

Chair called each member to confirm the decision – all members answered “yes”.

Application A-13/21 MITCHELL

Name of Applicant / Agent:	Gord Mitchell
Address of Applicant / Agent:	442 Mara Road, Beaverton ON L0K 1A0
Location of Property:	442 Mara Road, Beaverton ON L0K 1A0
Purpose of Application:	Relief is sought from Zoning By-law 287-78-PL, Section 8, Plate "D", Row 12, Column "m" requiring an external side yard setback of 12m to allow for an external side yard setback of 4.5m to allow for the construction of a 12ft. by 20ft. accessory building.
Effect of Application:	To allow the construction of a 12ft. by 20ft. accessory building.

4a) Presentation of Application A-13/21 MITCHELL

- Does the owner or agent wish to speak to the application?

Gord Mitchell: I put up a 12 x 20ft. shed on a pie shaped lot. It didn't have anywhere else to put it. I have an application for a building permit.

George Hewitt: What are the details of the shed?

Gord Mitchell: It is set on 6 inches of gravel and 8x8 inch ties set on top of that.

Gloria Stewart: I viewed the property earlier today. It is what it is. I don't think it is going to be a problem. The property is on services so there are no servicing issues. I have no concerns.

Bill Basztyk: I viewed the property on Sunday and spoke with Mr. Mitchell. He doesn't have room on the lot to meet the setbacks at all. I don't have any issues. There is no obstruction of vision for the road or any other impact.

Ralph Maleus: I agree with what Bill said has well. It is as always harder to deal with things retroactively, but better late than never. It is a strange shape of the lot. I don't have any questions.

- **Does anyone else wish to speak to the application?**

No questions.

4b) Written Submissions for A-13/21 MITCHELL

- None received

Resolution 3-6

MOVED BY Bill Basztyk and seconded by Gloria Stewart that Minor Variance Application File No. A-13/21 MITCHELL as made by Gord Mitchell, be approved. The proposed use is considered minor in nature, within the general intent and purpose of the Official Plan and Zoning By-law, and desirable in the opinion of the Committee.

CARRIED

4d) CONFIRMATION OF DECISION for A-13/21 MITCHELL

Chair called each member to confirm the decision – all members answered “yes”.

5. OTHER BUSINESS

Discussion of format of November 16, 2021 meeting. We expect that the application being heard on November 16 will have a great deal of public interest. Would the Committee support the Clerk hosting the public portion of the meeting and that it be hosted in the Zoom format?

Committee Agreement to:

- Having a dry-run of the Zoom platform.
- Conducting another meeting on November 9th to hear a separate application so that applicant doesn't have to wait and so there is only one hearing on November 16.
- To the Clerk facilitating the public commenting portion of the meeting.
- To receiving the information package as soon as possible to allow time for consideration and questions of clarification.

6. ADJOURN

MOVED BY Ralph Maleus that this meeting does now close at 8:04pm.

CARRIED

CHAIR

SECRETARY-TREASURER