



The Corporation of the Town of Kingsville
Committee of Adjustment and Appeals
Agenda

Tuesday, January 21, 2025, 6:00 p.m.

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

View Livestream at the time of the proceedings at
<https://www.kingsville.ca/livestream>

For information pertaining to this agenda or to arrange for any additional accessibility needs, please contact the Recording Secretary at mducharme@kingsville.ca

	Pages
A. Call to Order	
B. Disclosures of Pecuniary Interest	
C. Adoption of Minutes	4
Recommendation That the Minutes of the Committee of Adjustment and Appeals meeting dated December 17, 2024, be adopted as presented.	
D. Appointments	
Recommendation That Vitra Chodha be appointed Secretary-Treasurer for the limited purpose of Committee of Adjustment applications and decisions in accordance with Section 44 of the Planning Act for the term of their employment with the Town of Kingsville or until a successor is appointed; And that Colin Kelly and Richard Wyma be appointed Alternate Secretary-Treasurer for the term of their employment with the Town of Kingsville or until a successor is appointed; And that all previous appointments of Secretary-Treasurer be rescinded .	
E. Committee of Adjustment Hearings	
None at this time.	

F. Court of Revision

Hearings under this heading are subject to the provisions of the *Drainage Act*. The Committee, also known as the Court of Revision for the purposes set out in the Act, shall make decisions respecting appeals to assessments of individual property owners in the associated Schedule of Assessment forming part of an Engineer's Report. The Committee does not hear submissions related to the technical aspects of an Engineer's Report.

1. Schiller Branch Drain – MTO Highway Widening Project 9
 - a. Engineer's Report
 - b. List of Appeals
 - c. Deliberation and Decision

Recommendation
That the Schedule of Assessment for the Schiller Branch Drain – Realignment of the Lower Portion for the MTO Widening Project, forming part of the Engineer's Report as prepared by Dillon Consulting and dated November 15, 2024, **be adopted** as presented.
2. Road 29 Drain – MTO Highway Widening Project 13
 - a. Engineer's Report
 - b. List of Appeals
 - c. Deliberation and Decision

Recommendation
That the Amended Schedule of Assessment for the Road 29 Drain for the MTO Widening Project, forming part of the Engineer's Report as prepared by Dillon Consulting and dated November 15, 2024, **be adopted** as presented.
3. Gibbs Drain – MTO Highway Widening Project 21
 - a. Engineer's Report
 - b. List of Appeals

c. Deliberation and Decision

Recommendation

That the Schedule of Assessment for the Gibbs Drain for the MTO Widening Project, forming part of the Engineer's Report as prepared by Dillon Consulting and dated November 15, 2024, **be adopted** as presented.

G. Property Standards Appeal Hearings

Hearings under this heading are subject to the provisions of the Ontario Building Code Act. This Committee, also known as the Property Standards Committee for the purposes set out in the Act, hears and makes decisions respecting appeals of orders issued pursuant of the Town's Property Standards By-law.

1. 4 Cameron Side Road West, Unit 3

Verbal Update from Supervisor of By-law Enforcement

H. By-law Appeal Hearings

None at this time.

I. Next Meeting Date

The next regularly scheduled meeting of the Committee of Adjustment and Appeals is February 18, 2025 at 6:00 p.m. at the Unico Community Centre.

J. Adjournment

Recommendation

That the meeting **be adjourned** at _____ p.m.



The Corporation of the Town of Kingsville

Minutes of the Committee of Adjustment and Appeals of the Town of Kingsville

Tuesday, December 17, 2024

6:00 p.m.

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

Members Present:

Nicole Hackett, Chair

Thomas Neufeld, Councillor

Phil Caruana

Ed Cornies

Russell Horrocks

Administration Present:

Vitra Chodha, Town Planner

Angelina Pannunzio, Office Support

Matthew Ducharme, Recording Secretary

A. Call to Order

The Chair called the meeting to order at 6:00 p.m.

B. Disclosures of Pecuniary Interest

The Chair asked members if there were any disclosures of pecuniary interest.

None were noted.

C. Adoption of Minutes

CA-63-2024

Moved By: Phil Caruana

Seconded By: Thomas Neufeld, Councillor

That the Minutes of the Committee of Adjustment and Appeals meeting dated November 19, 2024, **BE ADOPTED** as presented.

Carried

D. Reports from Administration

1. 2025 Meeting Schedule

CA-64-2024

Moved By: Russell Horrocks

Seconded By: Ed Cornies

That the 2025 Meeting Schedule of the Committee of Adjustment and Appeals **BE APPROVED** as presented.

Carried

2. Housekeeping Comprehensive Zoning By-law Amendment for Accessory Structure Height

CA-65-2024

Moved By: Thomas Neufeld, Councillor

Seconded By: Russell Horrocks

That the Committee of Adjustment and Appeals **RECOMMEND** to Council that Section 4.2 Accessory Buildings and Structures of the Comprehensive Zoning By-law 1-2014 **BE AMENDED** to read as follows:

Section 4.2 h)

Accessory buildings and structures shall not exceed the following heights:

- a. in residential *zones* within the primary and secondary settlement area – 5.8 m (19 ft.)
- b. in residential *zones* or lots under 2 ha that are outside the settlement area – 6.5 m (21.3 ft)

Section 4.2 i)

Notwithstanding any other provision of this by-law, the *maximum building height* for an *accessory building* which contains a *dwelling unit* is not to exceed 6.5 m (21.3 ft).

Carried

E. Committee of Adjustment Hearings

1. Requests for Withdrawal or Deferral
None noted.

2. Current Applications

a. B-2024-28 & A-2024-10 - Application for Consent & Minor Variance

Vitra Chodha, Town Planner, presented the application.

The applicants, Charles and Rachel Grover, were present and available for questions from the members.

Written comments were received from the following individuals and read into the public record:

- Gary & Judy McFadden, 1481 Heritage Road
- Christine Stanson, 1485 Heritage Road
- Justyn & Sydney Fenos, 1486 Heritage Road

The following members of the public spoke to the application:

- Linda Martschenko, 1482 Heritage Road
- Justyn Fenos, 1486 Heritage Road

CA-66-2024

Moved By: Thomas Neufeld, Councillor

Seconded By: Phil Caruana

That the Committee of Adjustment and Appeals **APPROVE** consent application B-2024-28 for the purpose of a residential lot creation as shown on the Applicants' Sketch, for the lands known 1500 Heritage Road (County Road 50), in the Town of Kingsville, subject to the following conditions:

1. A plan of survey be prepared, or a reference plan deposited in the registry office, and an **electronic** copy be provided to the Town for the files of the Secretary-Treasurer.
2. Prior to consent being endorsed on the deeds, the property owners obtain a permit from the County of Essex for a new driveway access that is physically separated from the existing driveway access at 1500 Heritage Road, for the retained farm lot on County Road 23.
3. Prior to consent being endorsed on the deeds, the property owners must disconnect the existing water and sewer connection to the accessory building on the severed parcel

and reconnect through a separate connection to the satisfaction of the Town of Kingsville Building Department and the owner must obtain a building permit to undertake this work.

4. Prior to consent being endorsed on the deeds, the property owners are to execute an agreement for drainage apportionment due to lands severance approved by the Municipality for each parcel being severed and provide us with a lot grading plan. Drainage Apportionment Agreement Request, 12R plan and lot grading plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
5. Prior to consent being endorsed on the deeds, the property owner must remove the overhang on the accessory structure and provide confirmation to the Town of Kingsville Planning department of the removal.
6. Prior to consent being endorsed on the deeds, the property owner must obtain an approved building permit to convert the accessory structure on the severed parcel into a primary residence and obtain any other planning approval that may be required as a result.
7. The conditions imposed above shall be fulfilled by **December 17, 2026**, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

And that the Committee of Adjustment and Appeals **APPROVE** minor variance application A-2024-10 to reduce the required lot frontage for the severed parcel, for the lands known as 1500 Heritage Road (County Road 50), in the Town of Kingsville from 24 m to 13.8 m.

Carried

F. Court of Revision

None at this time.

G. Property Standards Appeal Hearings

None at this time.

H. By-law Appeal Hearings

None at this time.

I. Next Meeting Date

The next regularly scheduled meeting of the Committee of Adjustment and Appeals is January 21, 2025 at 6:00 p.m. at the Unico Community Centre.

J. Adjournment

CA-67-2024

Moved By: Phil Caruana

Seconded By: Thomas Neufeld, Councillor

That the meeting be adjourned at 6:24 p.m.

Carried

Chair

Recording Secretary



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
requests@kingsville.ca

NOTICE OF SITTING OF COURT OF REVISION

Drainage Act, R.S.O. 1990, c. D. 17, subs. 46(1) and (2)

To All Affected Property Owners

For the: **Schiller Drain – MTO Highway Widening Project**

Take notice that your property is assessed for the construction and/or improvement of the above-mentioned drainage works under section 78 of the *Drainage Act*. Attached is a provisional by-law exclusive of the engineer’s report. Details of your assessment are contained in the engineer’s report dated November 15, 2024, which has been previously sent to you or is available at the municipal office.

An owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

- Any land or road has been assessed an amount that is too high or too low;
- Any land or road that should have been assessed has not been assessed; and/or
- Due consideration has not been given to the use being made of the land.

Pursuant to section 52(1) of the *Drainage Act*, objections or appeals to the assessment must be forwarded in writing, to the **attention of the Clerk**, at least ten (10) days prior to the date of the Court of Revision.

The Court of Revision will take place:

Date: Tuesday, January 21, 2024

Time: 6:00 p.m.

Location: Unico Community Centre, 37 Beech Street, Kingsville

If you have any questions relating to this notice, please contact the Drainage Superintendent at drainage@kingsville.ca or 519-733-2305 ext. 267

DATED at the Town of Kingsville this 19th day of December, 2024.

Angela Toole
Acting Clerk
The Corporation of the Town of Kingsville

Lu-Ann Marentette
Drainage Superintendent
The Corporation of the Town of Kingsville

LM/cj

Enclosure Provisional By-Law
 Schedule of Assessment

Right of Appeal – Any owner of land or public utility affected by the above mentioned drainage works may appeal to the Referee regarding legal issues or the Agriculture, Food and Rural Affairs Appeal Tribunal regarding technical issues within forty (40) days of the sending of this notice. *Drainage Act*, R.S.O. 1990, c. D. 17, subs. 47(1) and 48(1).

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 98 - 2024

Being a By-law to provide for the Realignment of the Lower Portion of the Schiller Branch Drain at a total estimated cost of \$423,800 in the Town of Kingsville, in the County of Essex

WHEREAS the Council of the Town of Kingsville, in the County of Essex, has procured a report under section 78(1) of the *Drainage Act*;

AND WHEREAS the report has been authored by Oliver E.T. Moir, P. Eng, Dillon Consulting, dated November 15, 2024, and the attached report forms part of this by-law;

AND WHEREAS \$423,800 is the amount to be contributed by Ministry of Transportation for the drainage works;

AND WHEREAS Council is of the opinion that the report of the area is desirable;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS

One hundred percent (100%) of the cost for this report is to be assessed to the Ministry of Transportation.

3. CITATION

This by-law comes into force on the passing thereof and may be cited as the "Schiller Branch Drain – Realignment of the Lower Portion" by-law.

READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS 9TH DAY OF DECEMBER, 2024.

MAYOR, Dennis Rogers

ACTING CLERK, Angela Toole

READ A THIRD TIME AND FINALLY PASSED THIS 24TH DAY OF FEBRUARY, 2025.

MAYOR, Dennis Rogers

ACTING CLERK, Angela Toole

"SCHEDULE C"
SCHEDULE OF ASSESSMENT
REALIGNMENT OF SCHILLER BRANCH DRAIN
TOWN OF KINGSVILLE

ONTARIO LANDS:

Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
	(Acres)	(Ha.)					
King's Highway No. 3	0.00	0.00	Ministry of Transportation Ontario	\$423,800.00	\$0.00	\$0.00	\$423,800.00
Total on Ontario Lands.....				\$423,800.00	\$0.00	\$0.00	\$423,800.00
TOTAL ASSESSMENT				\$423,800.00	\$0.00	\$0.00	\$423,800.00

SCHEDULE 'E-1'
SCHEDULE OF ASSESSMENT FOR FUTURE MAINTENANCE OF THE
LOWER OPEN PORTION OF THE SCHILLER BRANCH DRAIN (STA. 0+168 TO STA. 0+190)
TOWN OF KINGSVILLE

MUNICIPAL LANDS:

Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
	(Acres)	(Ha.)					
County Road No. 29	2.94	1.19	County of Essex	\$0.00	\$0.00	\$2,515.00	\$2,515.00
South Talbot Road	0.15	0.06	County of Essex	\$0.00	\$0.00	\$127.00	\$127.00
Total on Municipal Lands.....				\$0.00	\$0.00	\$2,642.00	\$2,642.00

PRIVATELY-OWNED - NON-AGRICULTURAL LANDS:

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
560-07800	STR	Pt. Lot 265	13.50	5.46 *	Jimmy Klassen	\$0.00	\$0.00	\$1,545.00	\$1,545.00
560-07700	STR	Pt. Lot 265	0.38	0.15	Gerald & Elizabeth Vanderwal	\$0.00	\$0.00	\$197.00	\$197.00
560-07600	STR	Pt. Lot 265	0.20	0.08	Daniel J. & Lorna G. Harangozo	\$0.00	\$0.00	\$105.00	\$105.00
560-07500	STR	Pt. Lot 265	4.50	1.82 *	David J. & Fern E. Walsh	\$0.00	\$0.00	\$559.00	\$559.00
560-07400	STR	Pt. Lot 265	3.16	1.28 *	Peggy J. & Thomas P. Hurst	\$0.00	\$0.00	\$393.00	\$393.00
560-07300	STR	Pt. Lot 265	4.04	1.63 *	Brian W. & Pamela R. Osborne	\$0.00	\$0.00	\$500.00	\$500.00
560-07200	STR	Pt. Lot 265	5.04	2.04 *	Michael P. & Ashley N. Caza	\$0.00	\$0.00	\$626.00	\$626.00
560-07100	STR	Pt. Lot 265	2.35	0.95 *	David A. & Judy L. Tiessen	\$0.00	\$0.00	\$292.00	\$292.00
560-07000	STR	Pt. Lot 265	10.50	4.25 *	Michael F. & Joan E. Slade	\$0.00	\$0.00	\$1,305.00	\$1,305.00
560-06900	STR	Pt. Lot 265	0.56	0.23	Shirley H. Hearn	\$0.00	\$0.00	\$287.00	\$287.00
560-06800	STR	Pt. Lot 265	2.37	0.96 *	Bradly J. & Virginia M. Nelson	\$0.00	\$0.00	\$295.00	\$295.00
560-06700	STR	Pt. Lot 265	0.33	0.13	Ronald K. & Donna P. Steinhoff	\$0.00	\$0.00	\$171.00	\$171.00
560-06600	STR	Pt. Lot 265	2.85	1.15 *	Rene G. & Virginia R. Paquin	\$0.00	\$0.00	\$353.00	\$353.00
560-06500	STR	Pt. Lot 265	4.95	2.00 *	Robert K. Lane	\$0.00	\$0.00	\$614.00	\$614.00
560-06400	STR	Pt. Lot 265	0.95	0.38 *	Kevin D. McKellar	\$0.00	\$0.00	\$116.00	\$116.00
Total on Privately-Owned - Non-Agricultural Lands.....				\$0.00	\$0.00	\$7,358.00	\$7,358.00		
TOTAL ASSESSMENT				\$0.00	\$0.00	\$10,000.00	\$10,000.00		

(Acres) (Ha.)

Total Area: 58.77 23.76



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
requests@kingsville.ca

NOTICE OF SITTING OF COURT OF REVISION

Drainage Act, R.S.O. 1990, c. D. 17, subs. 46(1) and (2)

To All Affected Property Owners

For the: **Road 29 Drain – MTO Highway Widening Project**

Take notice that your property is assessed for the construction and/or improvement of the above-mentioned drainage works under section 78 of the *Drainage Act*. Attached is a provisional by-law exclusive of the engineer’s report. Details of your assessment are contained in the engineer’s report dated November 15, 2024, which has been previously sent to you or is available at the municipal office.

An owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

- Any land or road has been assessed an amount that is too high or too low;
- Any land or road that should have been assessed has not been assessed; and/or
- Due consideration has not been given to the use being made of the land.

Pursuant to section 52(1) of the *Drainage Act*, objections or appeals to the assessment must be forwarded in writing, to the **attention of the Clerk**, at least ten (10) days prior to the date of the Court of Revision.

The Court of Revision will take place:

Date: Tuesday, January 21, 2024

Time: 6:00 p.m.

Location: Unico Community Centre, 37 Beech Street, Kingsville

If you have any questions relating to this notice, please contact the Drainage Superintendent at drainage@kingsville.ca or 519-733-2305 ext. 267

DATED at the Town of Kingsville this 19th day of December, 2024.

Angela Toole
Acting Clerk
The Corporation of the Town of Kingsville

Lu-Ann Marentette
Drainage Superintendent
The Corporation of the Town of Kingsville

LM/cj

Enclosure Provisional By-Law
Schedule of Assessment

Right of Appeal – Any owner of land or public utility affected by the above mentioned drainage works may appeal to the Referee regarding legal issues or the Agriculture, Food and Rural Affairs Appeal Tribunal regarding technical issues within forty (40) days of the sending of this notice. *Drainage Act*, R.S.O. 1990, c. D. 17, subs. 47(1) and 48(1).

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 101 - 2024

Being a By-law to provide for MTO Improvements to the Road 29 Drain at a total estimated cost of \$173,700 in the Town of Kingsville, in the County of Essex

WHEREAS the Council of the Town of Kingsville, in the County of Essex, has procured a report under section 4 of the *Drainage Act*;

AND WHEREAS the report has been authored by Oliver E.T. Moir, P. Eng, Dillon Consulting, dated November 15, 2024, and the attached report forms part of this by-law;

AND WHEREAS \$173,700 is the amount to be contributed by Ministry of Transportation for the drainage works;

AND WHEREAS Council is of the opinion that the report of the area is desirable;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS

One hundred percent (100%) of the cost for this report is to be assessed to the Ministry of Transportation.

3. CITATION

This by-law comes into force on the passing thereof and may be cited as the "Road 29 Drain – MTO Improvements" by-law.

READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS 9TH DAY OF DECEMBER, 2024.

MAYOR, Dennis Rogers

ACTING CLERK, Angela Toole

READ A THIRD TIME AND FINALLY PASSED THIS 24TH DAY OF FEBRUARY, 2025.

MAYOR, Dennis Rogers

ACTING CLERK, Angela Toole

"SCHEDULE C"
SCHEDULE OF ASSESSMENT
ROAD 29 DRAIN
TOWN OF KINGSVILLE

ONTARIO LANDS:

Roll No.	Lot	Conc.	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
King's Highway No. 3			2.47	1.00	Ministry of Transportation	\$139,236.00	\$0.00	\$0.00	\$139,236.00
Total on Ontario Lands.....						\$139,236.00	\$0.00	\$0.00	\$139,236.00

NON AGRICULTURAL LANDS

Roll No.	Lot	Conc.	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
560-05405	265	STR	0.74	0.30	Neumar Corp. & 1118524 Ontario Inc.	\$5,744.00	\$0.00	\$0.00	\$5,744.00
Total on Non Agricultural Lands						\$5,744.00	\$0.00	\$0.00	\$5,744.00

AGRICULTURAL LANDS

Roll No.	Lot	Conc.	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
560-00300	265	STR	3.58	1.45	Domric Enterprises Inc.	\$28,720.00	\$0.00	\$0.00	\$28,720.00
Total on Agricultural Lands.....						\$28,720.00	\$0.00	\$0.00	\$28,720.00

TOTAL ASSESSMENT						\$173,700.00	\$0.00	\$0.00	\$173,700.00
			(Acres)	(Ha.)					
			Total A	6.79	2.75				

"SCHEDULE D"
DETAILS OF SPECIAL BENEFIT
ROAD 29 DRAIN
TOWN OF KINGSVILLE

SPECIAL BENEFIT ASSESSMENT
(ONTARIO LANDS)

Roll No.	Owner	Item Description	Estimated Cost	Cost of Report	Special Benefit
	Ministry of Transportation Ontario	Culverts No. 1 & 2 (80%)	\$120,000.00	\$17,857.00	\$137,857.00
		ERCA review and permit fee (100%)	\$800.00	\$119.00	\$919.00
		Allowances (100%)	\$400.00	\$60.00	\$460.00
Total Special Benefit Assessment (Ontario Lands).....			\$121,200.00	\$18,036.00	\$139,236.00

SPECIAL BENEFIT ASSESSMENT
(NON - AGRICULTURAL LANDS)

Roll No.	Owner	Item Description	Estimated Cost	Cost of Report	Special Benefit
560-05405	Neumar Corp. & 1118524 Ontario Inc.	Culverts No. 1 & 2 (3.33%)	\$5,000.00	\$744.00	\$5,744.00
Total Special Benefit Assessment (Non - Agricultural Lands).....			\$5,000.00	\$744.00	\$5,744.00

SPECIAL BENEFIT ASSESSMENT
(AGRICULTURAL LANDS)

Roll No.	Owner	Item Description	Estimated Cost	Cost of Report	Special Benefit
560-00300	Domric Enterprises Inc.	Culverts No. 1 & 2 (16.67%)	\$25,000.00	\$3,720.00	\$28,720.00
Total Special Benefit Assessment (Agricultural Lands Grantable).....			\$25,000.00	\$3,720.00	\$28,720.00

OVERALL TOTAL SPECIAL BENEFIT ASSESSMENT \$173,700.00

SCHEDULE 'E'
SCHEDULE OF ASSESSMENT FOR FUTURE MAINTENANCE
ROAD 29 DRAIN (CULVERT No. 2)
TOWN OF KINGSVILLE

MUNICIPAL LANDS:

Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
	(Acres)	(Ha.)					
County Road No. 29	2.94	1.19	County of Essex	\$0.00	\$0.00	\$7,805.00	\$7,805.00
Total on Municipal Lands.....				\$0.00	\$0.00	\$7,805.00	\$7,805.00

PRIVATELY-OWNED - NON-AGRICULTURAL LANDS:

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
560-05405	265	STR	0.74	0.30	Neumar Corp. & 1118524 Ontario Inc.	\$0.00	\$0.00	\$376.00	\$376.00
Total on Privately-Owned - Non-Agricultural Lands.....						\$0.00	\$0.00	\$376.00	\$376.00

PRIVATELY-OWNED - AGRICULTURAL LANDS:

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
560-00300	265	STR	3.58	1.45	Domric Enterprises Inc.	\$0.00	\$0.00	\$1,819.00	\$1,819.00
Total on Privately-Owned - Non-Agricultural Lands.....						\$0.00	\$0.00	\$1,819.00	\$1,819.00

TOTAL ASSESSMENT				\$0.00	\$0.00	\$10,000.00	\$10,000.00
			(Acres)	(Ha.)			
Total Area:			7.26	2.94			



Assessment Rationale

Special Benefit assessments shown in Schedule ‘C’ were derived as follows:

1. We have assessed 80% of the costs for Culverts No. 1 & No. 2 plus engineering cost apportionment to the Ministry of Transportation Ontario.
2. We have assessed 16.67% of the costs for Culverts No. 1 and 20% of the costs for Culvert No. 2 plus engineering cost apportionment to property Roll No. 560-00300 as part of culvert oversizing costs.
3. We have assessed 3.33% of the costs for Culverts No. 1 plus engineering cost apportionment to property Roll No. 560-05405 as part of culvert oversizing costs.
4. The ERCA review and permit fee, as well as the allowances under Section 29 are assessed 100% to the Ministry of Transportation Ontario.

Future Maintenance (Culvert No. 1)

Culvert No. 1 shall be maintained by the Town of Kingsville. The future repair and maintenance costs shall be assessed to the lands and the roads for Outlet assessments in the same relative proportions as listed in Schedule ‘E’ herein, subject of course to any variations that may be made under the authority of the Drainage Act. The assessment schedule is based on an arbitrary \$10,000.00 of future maintenance costs for which actual costs would be prorated.

Future Maintenance (Culvert No. 2 – County Road No. 29)

Culvert No. 1 shall be maintained by the County of Essex Roads Department for 100% of the costs, subject of course, to any variations that may be made under the authority of the Drainage Act.

Drawings and Specifications

Attached to this report is Schedule ‘F’, which are Specifications setting out the details of the recommended works and Schedule ‘G’ which represent the drawings that are attached to this report.

Page 1 of 3 – Overall Plan

Page 2 of 3 – Detail Plan & Profile

Page 3 of 3 – Culvert Details

Construction Drawings and Specifications

The work included in this report will be performed under the provincial contract for the Widening of King’s Highway No. 3 starting from 0.8 km west of Cameron Sideroad and continuing easterly to 1.8 km west of County Road No. 31. Bridge drawings have been prepared for the construction complete with associated specifications which shall adhere to the elevations, alignment, sizes, materials, and location and be generally in compliance with this report.

"SCHEDULE C"
SCHEDULE OF ASSESSMENT (REVISED FOR COURT OF REVISION, 21 JANUARY 2025)
ROAD 29 DRAIN
TOWN OF KINGSVILLE

ONTARIO LANDS:

Roll No.	Lot	Conc.	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
King's Highway No. 3			2.47	1.00	Ministry of Transportation	\$139,236.00	\$0.00	\$0.00	\$139,236.00
Total on Ontario Lands.....						\$139,236.00	\$0.00	\$0.00	\$139,236.00

NON AGRICULTURAL LANDS

Roll No.	Lot	Conc.	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
560-05405	265	STR	0.74	0.30	Neumar Corp. & 1118524 Ontario Inc.	\$2,872.00	\$0.00	\$0.00	\$2,872.00
Total on Non Agricultural Lands						\$2,872.00	\$0.00	\$0.00	\$2,872.00

AGRICULTURAL LANDS

Roll No.	Lot	Conc.	Area Affected (Acres) (Ha.)		Owner	Special Benefit	Benefit	Outlet	Total Assessment
560-00300	265	STR	3.58	1.45	Domric Enterprises Inc.	\$31,592.00	\$0.00	\$0.00	\$31,592.00
Total on Agricultural Lands.....						\$31,592.00	\$0.00	\$0.00	\$31,592.00

TOTAL ASSESSMENT						\$173,700.00	\$0.00	\$0.00	\$173,700.00
			(Acres)	(Ha.)					
Total Area:			6.79	2.75					

"SCHEDULE D"
DETAILS OF SPECIAL BENEFIT (REVISED FOR COURT OF REVISION, 21 JANUARY 2025)
ROAD 29 DRAIN
TOWN OF KINGSVILLE

SPECIAL BENEFIT ASSESSMENT
(ONTARIO LANDS)

Roll No.	Owner	Item Description	Estimated Cost	Cost of Report	Special Benefit
	Ministry of Transportation Ontario	Culverts No. 1 & 2 (80%)	\$120,000.00	\$17,857.00	\$137,857.00
		ERCA review and permit fee (100%)	\$800.00	\$119.00	\$919.00
		Allowances (100%)	\$400.00	\$60.00	\$460.00
Total Special Benefit Assessment (Ontario Lands).....			\$121,200.00	\$18,036.00	\$139,236.00

SPECIAL BENEFIT ASSESSMENT
(NON - AGRICULTURAL LANDS)

Roll No.	Owner	Item Description	Estimated Cost	Cost of Report	Special Benefit
560-05405	Neumar Corp. & 1118524 Ontario Inc.	Culverts No. 1 (3.33%)	\$2,500.00	\$372.00	\$2,872.00
Total Special Benefit Assessment (Non - Agricultural Lands).....			\$2,500.00	\$372.00	\$2,872.00

SPECIAL BENEFIT ASSESSMENT
(AGRICULTURAL LANDS)

Roll No.	Owner	Item Description	Estimated Cost	Cost of Report	Special Benefit
560-00300	Domric Enterprises Inc.	Culverts No. 1 (16.67%)	\$12,700.00	\$1,890.00	\$14,590.00
560-00300	Domric Enterprises Inc.	Culverts No. 2 (20%)	\$14,800.00	\$2,202.00	\$17,002.00
Total Special Benefit Assessment (Agricultural Lands Grantable).....			\$27,500.00	\$4,092.00	\$31,592.00

OVERALL TOTAL SPECIAL BENEFIT ASSESSMENT \$173,700.00



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
requests@kingsville.ca

NOTICE OF SITTING OF COURT OF REVISION

Drainage Act, R.S.O. 1990, c. D. 17, subs. 46(1) and (2)

To All Affected Property Owners

For the: **Gibbs Drain – MTO Highway Widening Project**

Take notice that your property is assessed for the construction and/or improvement of the above-mentioned drainage works under section 78 of the *Drainage Act*. Attached is a provisional by-law exclusive of the engineer’s report. Details of your assessment are contained in the engineer’s report dated November 15, 2024, which has been previously sent to you or is available at the municipal office.

An owner of land assessed for the drainage works may appeal to the Court of Revision on any of the following grounds:

- Any land or road has been assessed an amount that is too high or too low;
- Any land or road that should have been assessed has not been assessed; and/or
- Due consideration has not been given to the use being made of the land.

Pursuant to section 52(1) of the *Drainage Act*, objections or appeals to the assessment must be forwarded in writing, to the **attention of the Clerk**, at least ten (10) days prior to the date of the Court of Revision.

The Court of Revision will take place:

Date: Tuesday, January 21, 2024

Time: 6:00 p.m.

Location: Unico Community Centre, 37 Beech Street, Kingsville

If you have any questions relating to this notice, please contact the Drainage Superintendent at drainage@kingsville.ca or 519-733-2305 ext. 267

DATED at the Town of Kingsville this 19th day of December, 2024.

Angela Toole
Acting Clerk
The Corporation of the Town of Kingsville

Lu-Ann Marentette
Drainage Superintendent
The Corporation of the Town of Kingsville

LM/cj

Enclosure Provisional By-Law
 Schedule of Assessment

Right of Appeal – Any owner of land or public utility affected by the above mentioned drainage works may appeal to the Referee regarding legal issues or the Agriculture, Food and Rural Affairs Appeal Tribunal regarding technical issues within forty (40) days of the sending of this notice. *Drainage Act*, R.S.O. 1990, c. D. 17, subs. 47(1) and 48(1).

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 100 - 2024

Being a By-law to provide for MTO Improvements to the Gibbs Drain at a total estimated cost of \$206,800 in the Town of Kingsville, in the County of Essex

WHEREAS the Council of the Town of Kingsville, in the County of Essex, has procured a report under section 4 of the *Drainage Act*;

AND WHEREAS the report has been authored by Oliver E.T. Moir, P. Eng, Dillon Consulting, dated November 15, 2024, and the attached report forms part of this by-law;

AND WHEREAS \$206,800 is the amount to be contributed by Ministry of Transportation for the drainage works;

AND WHEREAS Council is of the opinion that the report of the area is desirable;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:

1. AUTHORIZATION

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS

One hundred percent (100%) of the cost for this report is to be assessed to the Ministry of Transportation.

3. CITATION

This by-law comes into force on the passing thereof and may be cited as the "Gibbs Drain – MTO Improvements" by-law.

READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS 9TH DAY OF DECEMBER, 2024.

MAYOR, Dennis Rogers

ACTING CLERK, Angela Toole

READ A THIRD TIME AND FINALLY PASSED THIS 24TH DAY OF FEBRUARY, 2025.

MAYOR, Dennis Rogers

ACTING CLERK, Angela Toole

"SCHEDULE C"
SCHEDULE OF ASSESSMENT
GIBBS DRAIN
TOWN OF KINGSVILLE

ONTARIO LANDS:

Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
	(Acres)	(Ha.)					
King's Highway No. 3	0.00	0.00	Ministry of Transportation	\$206,800.00	\$0.00	\$0.00	\$206,800.00
Total on Ontario Lands.....				\$206,800.00	\$0.00	\$0.00	\$206,800.00
TOTAL ASSESSMENT				\$206,800.00	\$0.00	\$0.00	\$206,800.00
	(Acres)	(Ha.)					
Total Area	0.00	0.00					

"SCHEDULE E"
SCHEDULE OF ASSESSMENT FOR FUTURE MAINTENANCE (OPEN DRAIN STA. 0+000 TO STA. 0+149)
GIBBS DRAIN
TOWN OF KINGSVILLE

MUNICIPAL LANDS:

Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
	(Acres)	(Ha.)					
Unnamed Road	2.00	0.81	Town of Kingsville	\$0.00	\$316.00	\$1,574.00	\$1,890.00
Total on Municipal Lands.....				\$0.00	\$316.00	\$1,574.00	\$1,890.00

PRIVATELY-OWNED - NON-AGRICULTURAL LANDS

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
560-00200	STR	Pt. Lots 264 & 265	4.73	1.91	Domric Enterprises Inc.	\$0.00	\$107.00	\$742.00	\$849.00
560-00220	STR	Pt. Lot 264	1.33	0.54	2845881 Ontario Inc.	\$0.00	\$507.00	\$351.00	\$858.00
560-00100	STR	Pt. Lot 264	1.00	0.40	Jacob & Agatha Neufeld	\$0.00	\$501.00	\$311.00	\$812.00
660-00502	-	-	2.37	0.96 *	Hydro One Networks Inc.	\$0.00	\$0.00	\$216.00	\$216.00
Total on Privately-Owned - Non-Agricultural Lands				\$0.00	\$1,115.00	\$1,620.00	\$2,735.00		

PRIVATELY-OWNED - AGRICULTURAL LANDS

Roll No.	Con.	Description	Area Affected		Owner	Special Benefit	Benefit	Outlet	Total Assessment
			(Acres)	(Ha.)					
560-10501	STR	Pt. Lot 264	49.97	20.22 *	Edwin H. & Rachel A Gibbs	\$0.00	\$569.00	\$3,928.00	\$4,497.00
560-10000	STR	Pt. Lots 264 & 265	5.58	2.26	Roger J. Meleg	\$0.00	\$0.00	\$878.00	\$878.00
Total on Privately-Owned - Agricultural Lands				\$0.00	\$569.00	\$4,806.00	\$5,375.00		

TOTAL ASSESSMENT				\$0.00	\$2,000.00	\$8,000.00	\$10,000.00	
			(Acres)	(Ha.)				
Total Area:			66.98	27.10				

*denotes reduced assessment for lands where tile drainage flows are not directed to Gibbs Drain