



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

Tuesday, February 18, 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 January 21, 2025, be adopted as presented.	
D.	Committee of Adjustment Hearings	
	Hearings held under this heading are subject to the provisions of the <i>Planning Act</i> , and the Committee shall make decisions respecting applications for minor variance, consent and permissions to extend or enlarge legal non-conforming uses.	
	1. Requests for Withdrawal or Deferral	
	2. Current Applications	
	a. B-2025-1 - Application for Consent	9
	Location of Application: 1871 Heritage Road (County Road 50)	
	Application To: Obtain consent for the purpose of creating two (2) additional residential lots and establish three (3) permanent easements as shown on the Applicant's Draft Survey, subject to certain conditions.	

Recommendation

That the Committee of Adjustment and Appeals **approve** consent application B-2025-1 for 1871 Heritage Road, in the Town of Kingsville, to create two additional residential lots, each 1,400 square metres (15,070 square feet) in size, and establish three permanent service easements as shown on the Applicant's Draft Survey, subject to the following conditions:

1. Prior to consent being endorsed on the deeds, the property owners provide the following to be reviewed to the satisfaction of the Municipality:
 - a. proof of permits from the County of Essex to establish one driveway on each of the severed parcels, with the existing driveway remaining with the retained parcel;
 - b. a lot grading plan, submitted at least three months prior to stamping deeds, to serve the lands being conveyed, and the lands being retained, with the cost of such drainage being solely at the expense of the Applicant;
 - c. a completed building permit or demolition permit to confirm that the existing garage on the property has been demolished or converted into a primary residential dwelling;
 - d. private locates to confirm that there are no existing municipal services that cross the new property lines;
 - e. extension of the sanitary main to the proposed severed and retained lots, including top-end manhole for Municipal maintenance.
2. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
3. The conditions imposed above shall be fulfilled by **February 18, 2027**, or this application shall be deemed to be refused in accordance with Section 53(41) of the *Planning Act*.

E. 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. North Branch of the East Branch of the No. 47 Drain - Realignment for Intersection Improvements
 - a. Engineer's Report
 - b. List of Appeals
 - c. Deliberation and Decision

Recommendation

That the Schedule of Assessment for the No. 47 Drain – North Branch of the East Branch for a realignment of a portion of the drain for the intersection of County Road 29 and Road 5 improvements, forming part of the Engineer's Report as prepared by Rood Engineering Inc. and dated December 23, 2024, **be adopted** as presented.

F. Property Standards Appeal Hearings

None at this time.

G. By-law Appeal Hearings

None at this time.

H. Next Meeting Date

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

I. 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, January 21, 2025

6:00 p.m.

Unico Community Centre

37 Beech Street

Kingsville, ON N9Y 1A9

Members Present:

Nicole Hackett, Chair

Russell Horrocks

Phil Caruana

Ed Cornies

Members Absent:

Thomas Neufeld, Councillor

Administration Present:

Tim Del Greco, Senior Manager of Capital Projects & Engineering

Daryl Flacks, Supervisor of By-law Enforcement

Kyla Ferguson, By-law Enforcement Officer

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

COAA-01-20250121

Moved By: Russell Horrocks

Seconded By: Phil Caruana

That the Minutes of the Committee of Adjustment and Appeals meeting dated December 17, 2024, **be adopted** as presented.

Carried

D. Appointments

COAA-02-20250121

Moved By: Ed Cornies

Seconded By: Phil Caruana

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**.

Carried

E. Committee of Adjustment Hearings

None at this time.

F. Court of Revision

1. Schiller Branch Drain – MTO Highway Widening Project

a. Engineer's Report

Oliver Moir, Dillon Consulting Limited, presented the report.

Brad Nelson, 9229 County Road 29, inquired as to the purpose of the future maintenance schedule.

Mr. Moir clarified that all construction costs are being paid by the Ministry of Transportation (MTO) and the schedule is prepared in advance of future maintenance.

b. List of Appeals

None noted.

c. Deliberation and Decision

COAA-03-20250121

Moved By: Russell Horrocks

Seconded By: Phil Caruana

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.

Carried

2. Road 29 Drain – MTO Highway Widening Project

a. Engineer's Report

Oliver Moir, Dillon Consulting Limited, presented the report.

b. List of Appeals

None noted.

c. Deliberation and Decision

COAA-04-20250121

Moved By: Phil Caruana

Seconded By: Ed Cornies

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.

Carried

3. Gibbs Drain – MTO Highway Widening Project

a. Engineer's Report

Oliver Moir, Dillon Consulting Limited, presented the report.

Ed Gibbs, landowner, noted that Chevalier Drainage Limited is representing his interests.

b. List of Appeals

None noted.

c. Deliberation and Decision

COAA-05-20250121

Moved By: Russell Horrocks

Seconded By: Phil Caruana

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.

Carried

G. Property Standards Appeal Hearings

1. 4 Cameron Side Road West, Unit 3

Matthew Ducharme, Recording Secretary, noted the Committee's decision rendered on November 19, 2024, extending the timeline for compliance with the order to January 21, 2025.

Daryl Flacks, Supervisor of By-law Enforcement, noted that the order has not been complied with and enforcement action will now commence.

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

COAA-06-20250121

Moved By: Russell Horrocks

Seconded By: Phil Caruana

That the meeting **be adjourned** at 6:28 p.m.

Carried

Chair

Recording Secretary

Date: February 18, 2025
To: Committee of Adjustment and Appeals
Author: Vitra Chodha, Town Planner
RE: Application for Consent (B-2025-1)
1871 Heritage Road (County Road 50)

RECOMMENDED ACTION

That the Committee of Adjustment and Appeals **APPROVE** consent application B-2025-1 for the lands known as 1871 Heritage Road (County Road 50), in the Town of Kingsville, to create two additional residential lots that are each 1,400 square metres (15,070 square feet) in size and establish three permanent service easements as shown on the Applicant's Draft Survey, subject to the following conditions:

1. Prior to consent being endorsed on the deeds, the property owners provide the following to be reviewed to the satisfaction of the Municipality:
 - i. proof of permits from the County of Essex to establish one driveway on each of the severed parcels, with the existing driveway remaining with the retained parcel;
 - ii. a lot grading plan, submitted at least three months prior to stamping deeds, to serve the lands being conveyed, and the lands being retained, with the cost of such drainage being solely at the expense of the Applicant;
 - iii. a completed building permit or demolition permit to confirm that the existing garage on the property has been demolished or converted into a primary residential dwelling;
 - iv. private locates to confirm that there are no existing municipal services that cross the new property lines;
 - v. extension of the sanitary main to the proposed severed and retained lots, including top-end manhole for Municipal maintenance.
2. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
3. The conditions imposed above shall be fulfilled by **February 18, 2027**, or this application shall be deemed to be refused in accordance with Section 53(41) of the *Planning Act*.

BACKGROUND

The Town of Kingsville has received an application for lands located South of Heritage Road (County Road 50) and 1891 Heritage Road (County Road 50), as shown on the attached location map (Appendix A). The subject sites are designated 'Lakeshore Residential West' and zoned "Lakeshore Residential (LR)".

The subject parcel is 14,868.2 square metres (3.67 acres) in size with a frontage 92.8 metres (304.3 feet). The subject parcel contains a garage; the garage will need to be converted to a residential dwelling or demolished as a condition of this Consent. The applicant is proposing the creation of two additional residential lots resulting in the total of three residential lots:

- The first severed lot with the existing accessory structure, identified as Part 1 and Part 3 on the Applicants' Draft Survey (Appendix B) along with the permanent easement identified as Part 2, has an area of 5,171.9 square metres (1.3 acres) and a frontage of 30.9 metres (101.5 feet).
- The second severed lot seen as Part 8 & 10 with a permanent service easement identified as Part 9 as on the Applicant's Draft Survey (Appendix B) has an area of 4,945.3 square metres (1.2 acres) with a frontage of 30.9 metres (101.3 feet).
- The retained lot seen as Part 4 & 7 along with the permanent easement identified as Part 5 & 6 has an area of 4,751.0 square metres (1.2 acres) with a frontage of 30.9 metres (101.5 feet).

DISCUSSION

1. Provincial Policy Statement (PPS), 2024

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS):

"The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

The application is consistent with the PPS in that the proposed lot creation land is located within the secondary settlement area for the Town of Kingsville and County of Essex.

2. County of Essex Official Plan, 2024

The subject site is located within the secondary settlement area on the County of Essex Official Plan.

Section 3.2.5 a) of the County Official Plan permits new development provided it is compliant with the intent of the Provincial Policy Statement, County of Essex Official Plan and the Official Plan for the Town of Kingsville. In accordance with Section 3.2.5 g) ii) permits residential intensification in the secondary settlement area provided it is connected to sanitary sewer and municipal water. This property will have access to both municipal sanitary sewer and water through the permanent easements established as part of this Consent application. As such, the proposed consent application complies with the Official Plan.

3. Town of Kingsville Official Plan, 2023

The Official Plan for the Town of Kingsville designates the subject property 'Lakeshore Residential West'.

Section 3.6.4 e) of the Town of Kingsville Official Plan states that all lot creation will have to follow the land division policies set out in Section 7 of the Plan. Section 7.3 of the Official Plan outlines the circumstances under which a consent can be granted, the proposed application meets the intent of Section 7.3. Further requirements on the required lot dimensions will be reviewed through the Town of Kingsville Comprehensive Zoning By-law in Section 4 of this document.

4. Comprehensive Zoning By-law

The Town's Comprehensive Zoning By-law includes a set of guidelines and provisions for lands within the Town that must conform to the Official Plan.

The subject property is zoned 'Lakeshore Residential (LR) in the Comprehensive Zoning By-law. The two severed parcels and the retained parcel meet the zoning requirements of the Lakeshore Residential zones, including lot frontage and lot size requirements. Therefore, this proposed Consent Application is in compliance with the Comprehensive Zoning By-law.

FINANCIAL CONSIDERATIONS

The creation of two (2) new lots will result in additional tax revenue for the Town of Kingsville.

ENVIRONMENTAL CONSIDERATIONS

The environmental impact resulting from the severance of the dwelling from the farm parcel is anticipated to be minimal.

CONSULTATIONS

In accordance with O. Reg 545/06 of the *Planning Act*, property owners within 120 metres of the subject site boundaries received the Notice of Public Meeting by mail.

Agency & Administrative Consultation

In accordance with O. Reg 545/06 of the Planning Act, Agencies and Town Administration received the Notice of Public Meeting by mail and/or email. At the time of writing, the following comments have been received from circulated agencies.

1) Essex Region Conservation Authority (ERCA)

The Essex Region Conservation Authority comments are included in Appendix C

2) County of Essex

The County of Essex Infrastructure comments are included in Appendix D

3) Town of Kingsville Technical Advisory Committee

The comments obtained from the Technical Advisory Committee has been included in the conditions of approval for the Consent application.

PREPARED BY:



Vitra Chodha
Town Planner

REVIEWED BY:



Richard J.H. Wyma
Director of Planning & Development

1871 Heritage Road



Legend

- Essex Municipalities
 - <all other values>
 - Kingsville
- Street
- Kingsville Assessment

Notes

Location Map

Appendix A

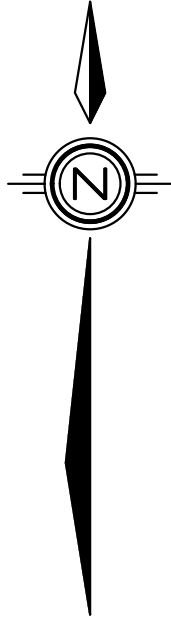
THIS MAP IS NOT TO BE USED FOR NAVIGATION
 Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 29.76 59.5 Meters

1: 1,785

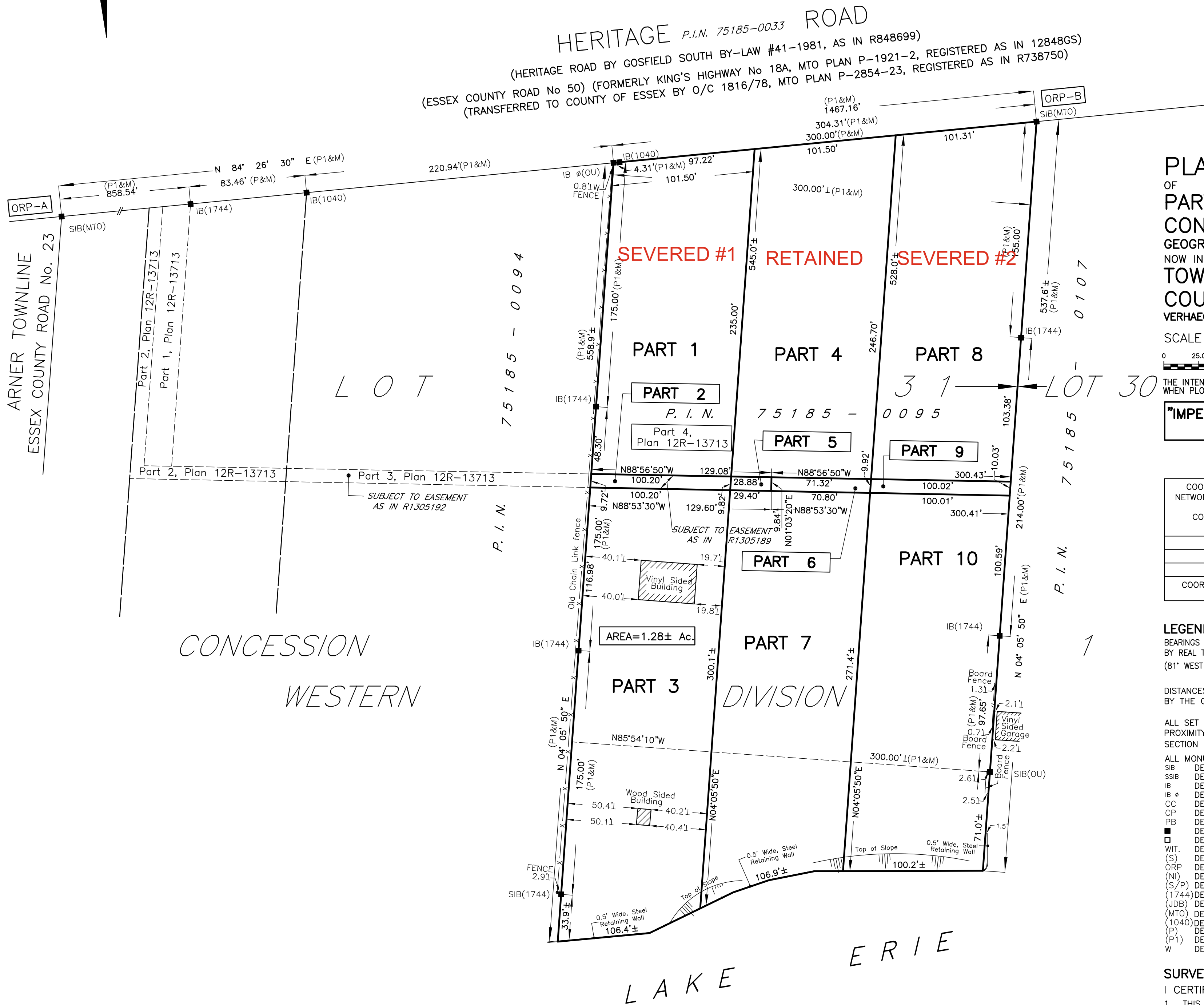
11/13/2024

Appendix B



PARTS SCHEDULE				
PART	LOT	CON/PLAN	P.I.N.	AREA (Ac.)
1				0.526
2				0.022
3				0.73±
4				0.55
5	PART OF LOT 31	CONCESSION 1 WESTERN DIVISION	ALL OF 75185-0095	0.007
6				0.017
7				0.60±
8				0.58
9				0.022
10				0.62±

PARTS 2,5 ARE SUBJECT TO EASEMENT AS IN INST. No. R1305189



PLAN OF SURVEY
 OF
PART OF LOT 31
CONCESSION 1, WESTERN DIVISION
 GEOGRAPHIC TOWNSHIP OF GOSFIELD SOUTH
 NOW IN THE
TOWN OF KINGSVILLE
COUNTY OF ESSEX, ONTARIO
 VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LTD.

SCALE : 1"=50'
 0 25.0 50.0 100.0 150.0 FEET 250.0

THE INTENDED PLOT SIZE OF THIS PLAN IS 24" IN WIDTH BY 24" IN HEIGHT WHEN PLOTTED AT A SCALE OF 1"=50'

"IMPERIAL" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0). COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG 216/10

POINT ID	NORTHING	EASTING
ORP-A	N15260026.532	E1144303.547
ORP-B	N15260168.607	E1145763.597

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

LEGEND AND NOTES

BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999858

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11(4) OF O.REG. 525/91.

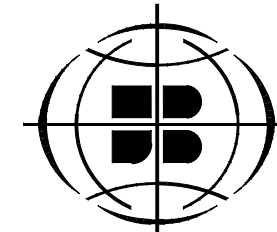
- ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (IB) UNLESS OTHERWISE NOTED.
- SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
- SSIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
- IB DENOTES 16mm X 16mm X 0.61m IRON BAR
- IB # DENOTES 19mm diameter X 0.61m ROUND IRON BAR
- CC DENOTES CUT-CROSS
- CP DENOTES 5mm X 50mm STEEL PIN
- PB DENOTES PLASTIC BAR
- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET AND MARKED JDB
- WIT. DENOTES WITNESS ⊥ DENOTES PERPENDICULAR
- (S) DENOTES SET (M) DENOTES MEASURED (D) DENOTES DEED
- ORP DENOTES OBSERVED REFERENCE POINT
- (N) DENOTES NOT IDENTIFIABLE (OU) DENOTES ORIGIN UNKNOWN
- (S/P) DENOTES SET PROPORTIONALLY
- (1744) DENOTES VERHAEGEN SURVEYORS INC., O.L.S.
- (JDB) DENOTES J.D. BARNES LIMITED, O.L.S.
- (MTO) DENOTES WILLIAM J. SETTERINGTON, O.L.S.
- (1040) DENOTES MINISTRY OF TRANSPORTATION, ONTARIO
- (P) DENOTES PLAN 12R-13713
- (P1) DENOTES PLAN OF SURVEY BY (1744) DATED JUNE 14, 2017(5-13546)
- W DENOTES WEST

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THIS SURVEY WAS COMPLETED ON THE _____ DAY OF _____

DATE JANUARY 02, 2024 SHAFIC HABEBUR RAHMAN
 ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXXX



VERHAEGEN
 LAND SURVEYORS
 A DIVISION OF J.D. BARNES LTD.
 944 OTTAWA STREET, WINDSOR, ON, N8X 2E1
 T: (519) 258-1772 F: (519) 258-1791 www.jdbarnes.com

DRAWN BY: SP	CHECKED BY: OLS	REFERENCE NO.: 24-47-534-00
CAD File: 24-47-534-00.dwg CAD Date: January 6, 2025 12:00 PM		File: E-GOS.S-1WD-31



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

February 05, 2025

Appendix C

Ms. Vitra Chodha

Town Planner

The Corporation of the Town of Kingsville

2021 Division Road North

Kingsville Ontario, N9Y 2Y9

Dear Ms. Vitra Chodha:

RE: Application for Consent B-2025-1 1871 HERITAGE RD

ARN 371128000003100; PIN: 751850095

Applicant: MELO JASON JOSEPH

The Town of Kingsville has received Application for Consent B-2025-1 for the above noted subject property. The subject parcel is approximately 14,868.2m² (3.67 ac.) in size with a frontage of 92.8 m (304.3 ft). The subject parcel contains a garage that will be converted to a residential dwelling or demolished as a condition of this Consent. The applicant is proposing the creation of two additional residential lots resulting in the total of three residential lots. The first severed lot, along with a permanent easement, has an area of 5,171.9m² (1.3 ac.) and a frontage of 30.9 m (101.5 ft). The second severed lot, along with a permanent service easement, has an area of 4,945.3 m² (1.2 ac.) with a frontage of 30.9 m (101.3 ft). The retained lot, along with a permanent easement, has an area of 4,751.0 m² (1.2 ac) with a frontage of 30.9 m (101.5 ft).

The following is provided as a result of our review of B-2025-1.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of Lake Erie. The property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

FINAL RECOMMENDATION

Our office has **no objection** to B-2025-1. As noted above, the property owner will be required to obtain an approval from the Essex



Ms. Vitra Chodha
February 05, 2025

Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Alicia Good
Watershed Planner





February 4, 2025

Town of Kingsville
Planning Services
2021 Division Road North
Kingsville, ON N9Y 2Y9

Re: Consent Application, B-2025-1, 2224838 Ontario Inc.

Please be advised that the County has reviewed the aforementioned application and the comments provided are engineering-related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 50. No objections to this application. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County-By-Law Number 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent to County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original ROW of County Road 50. Permits are necessary for any changes to existing structures, or the construction of new structures.

We are requesting a copy of the Decision on the aforementioned applications. Should these applications be approved we are requesting a copy of the revised survey plan of the subject lands in order to update our mapping records. Thank you for your assistance and cooperation in this matter.

Should you require further information, please contact me by email at kbalallo@countyofessex.ca or by phone at extension 1564.

Regards

Kristoffer Balallo
Engineering Technologist

519-776-6441
TTY 1-877-624-4832

360 Fairview Ave. W.
Essex, ON N8M 1Y6

countyofessex.ca



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
(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)

Re: North Branch of the East Branch of the No. 47 Drain – Relocate a portion of Drain

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 December 23, 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:

Tuesday, February 18, 2025 at 6:00 p.m.
Unico Community Centre
37 Beech Street, Kingsville

Any questions relating to this notice, please contact Lu-Ann Marentette, Drainage Superintendent at 519-733-2305 ext. 267.

DATED at the Town of Kingsville the 3rd day of February, 2025.

A handwritten signature in blue ink, appearing to read "N.S.", is positioned above the name and title of Natalie Sharp.

Natalie Sharp
Deputy Clerk
The Corporation of the Town of Kingsville

A handwritten signature in blue ink, appearing to read "Lu-Ann Marentette", is positioned above the name and title of Lu-Ann Marentette.

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

CJ: attachment

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 7-2025

Being a By-law to provide for a realignment of a portion of the No. 47 Drain – North Branch of the East Branch at a total estimated cost of \$15,160.00 in the Town of Kingsville, in the County of Essex

Whereas the Council of The Corporation of the Town of Kingsville (hereafter, the "Town"), in the County of Essex, has procured an Engineer's Report under section 78 of the *Drainage Act*;

And Whereas the Engineer's Report (hereafter, the "Report") for the realignment of the No. 47 Drain in the Town dated December 23, 2024, has been prepared by Gerard Rood at Rood Engineering Inc., and said Report is attached hereto and forms part of this By-law;

And Whereas \$15,160.00 is the estimated cost for the engineering and construction of the drainage works and will be the responsibility of the assessed property owner(s);

And Whereas Council is of the opinion that proposed drainage works for the No. 47 Drain, as specified in the Report, is desirable;

Now therefore the Council of The Corporation of the Town of Kingsville, pursuant to the Drainage Act, enacts as follows:

1. Authorization

That the Engineer's Report providing for drainage works on the No. 47 Drain, inclusive of assessment schedule and final drawings, and dated December 23, 2024, as prepared by Rood Engineering Inc., and attached and forming part of this By-law, is hereby adopted and the drainage works as described therein are approved and shall be completed in accordance therewith.

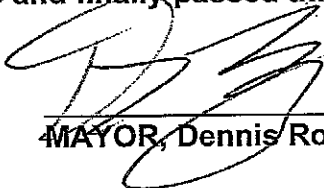
2. Schedule of Assessments of Land and Roads

The cost for this report is to be assessed to a landowner, and the Road Authorities of the Town of Kingsville and the County of Essex.

3. Citation

This By-law comes into force on the passing thereof and may be cited as the "No. 47 Drain Realignment" By-law.

Read a first, second, and third time and finally passed this 27th day of January, 2025.



MAYOR, Dennis Rogers



ACTING CLERK, Angela Toole

Read a first, second, and third time and finally passed this 17th day of March, 2025.

MAYOR, Dennis Rogers

ACTING CLERK, Angela Toole

CONSTRUCTION SCHEDULE OF ASSESSMENT
NORTH BRANCH OF EAST BRANCH OF NO. 47 DRAIN
(Bridge Replacement & Drain Re-alignment at Road 5 East)
Town of Kingsville

3. MUNICIPAL LANDS:

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Acres Afft'd	Hectares Afft'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
		Road 5 East		1.00	0.405	Town of Kingsville	\$ 3,790.00	\$ 11,370.00	\$ -	\$ 15,160.00
Total on Municipal Lands.....							\$ 3,790.00	\$ 11,370.00	\$ -	\$ 15,160.00
TOTAL ASSESSMENT				1.00	0.40		\$ 3,790.00	\$ 11,370.00	\$ -	\$ 15,160.00

1 Hectare = 2.471 Acres
Project No. REI2024D017
December 23rd, 2024