



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY MAY 15TH, 2018 AT 6:00 P.M.
CORPORATION OF THE TOWN OF KINGSVILLE
COUNCIL CHAMBERS
2021 DIVISION RD N, KINGSVILLE, ONTARIO N9Y 2Y9

A. CALL TO ORDER

Chairperson G. Queen called the meeting to order at 6:00 p.m. with the following Committee members in attendance:

Members of Committee of Adjustment	Members of Administration
<ul style="list-style-type: none">• Deputy Mayor Gord Queen• Thomas Neufeld• Russell Horrocks• Allison Vilardi• Jim Gaffan Jr.	<ul style="list-style-type: none">• Manager of Planning & Development Services – Robert Brown• Interim Planner – David French

ABSENT: Town Planner – Kristina Brcic

B. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Chairperson G. Queen reminded Committee members to disclose any interest they may have prior to each agenda item being discussed.

C. ADOPTION OF COMMITTEE OF ADJUSTMENT MEETING MINUTES DATED TUESDAY, APRIL 17TH, 2018.

CA - 08 - 2018

Moved by Russell Horrocks, seconded by Allison Vilardi the Committee of Adjustment Meeting Minutes dated April 17th, 2018 be adopted.

CARRIED

D. HEARINGS

1. A/02/18 – Robert Jeffery SYLVESTER – 413 County Rd 34 W

Interim Town Planner, David French introduced the minor variance application and reviewed his report dated May 1st, 2018 which provides details regarding the requested minor variance by the applicant to reduce the minimum interior side yard for a dwelling on lands known as 413 County Road 34 West, Part of Lot 276, Concession STR, in the Town of Kingsville.

The subject land is approximately 3.36 ha (8.31 ac.) in area and contains two single detached dwellings and an area of cultivated land. It is proposed that a minor variance be considered to reduce the required easterly side yard setback from 3 m (10 ft.) to 1.5 m (5 ft.) to permit the construction of an addition to the larger of the two dwellings (sited to rear of the smaller dwelling). The proposed reduced setback is required due to the irregular shape of the lot. Please refer to attached sketch depicting the proposed addition. Although the lands are shown as two lots they are considered as one parcel under the Planning Act being held under the same ownership.

The applicant, Mr. Robert Jeffery Sylvester was in attendance.

Committee member Russell Horrocks asked Mr. Sylvester how many windows and or doors would be on the easterly side of the addition. Mr. Sylvester indicated that there will not be any windows or doors on the easterly side of the addition. Interim Planner, David French elaborated on the response to Mr. Horrocks question, indicating that the Building Code would

regulate the amount of unprotected openings such as window and doors would be permitted on the addition.

Chairperson, G. Queen confirmed there were no other comments from the committee.

CA - 09 - 2018

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Minor Variance application A/02/18, to reduce the minimum required easterly interior side yard setback from 3m (10ft.) to 1.5m (5ft.), on the lands known as 413 County Road 34 W, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. the variance only apply to the most southerly dwelling on the subject parcel

CARRIED

2. A/03/18 – Margareta KETLER – 57 County Road 27 W

Interim Town Planner, David French introduced the minor variance application and reviewed his report dated May 3rd, 2018 which provides details regarding the requested minor variance by the applicant to increase total permitted lot coverage for vacant lands known as 57 County Road 27 West, Part of Lot 269, Concession STR, Parts 3 & 4, RP 12R 13587, in the Town of Kingsville.

The subject land is a 697 sq. m (7,500 sq. ft.) vacant residential lot. It is proposed that a minor variance be considered to increase the total permitted lot coverage from 35% to 40% to permit a new single detached dwelling to be constructed as per the attached site plan.

Mr. French added that he received an email today, May 15th, 2018 from a neighbouring property at 8 Diane Street, Doug Dalpe. Mr. Dalpe wanted to show his support of the minor variance and is happy to see the property being developed.

The applicant was not in attendance.

Committee Member Thomas Neufeld asked the Interim Planner, David French if the applicant wishes to construct a shed in the future would another minor variance be required? Mr. French confirmed that yes an additional minor variance would be required as the original 35% coverage was for the total permitted lot coverage.

Chairperson, G. Queen confirmed there were no other comments from the committee.

CA - 10 - 2018

Moved by Russell Horrocks, seconded by Thomas Neufeld that Minor Variance Application A/03/18, to increase the maximum total permitted lot coverage from 35% to 40%, for the parcel known as 57 County Road 27 West, in the Town of Kingsville, be **Approved** without conditions.

CARRIED

3. A/04/18 – 2492826 Ontario Ltd. – 1971 Road 3 E

Interim Town Planner, David French introduced the minor variance application and reviewed his report dated May 8th, 2018 which provides details regarding the requested minor variance by the applicant to reduce the minimum interior side yard for an industrial building on lands known as 1971 Road 3 East, Part of Lot 12, Concession 2, Parts 5, 6 & 7, RP 12R 21750, in the Town of Kingsville.

The subject land is 5,437 sq. m (58523 sq. ft.) in area and contains one industrial-type building. It is proposed that a minor variance be considered to reduce the interior side yard setback from 3 m (10 ft.) to 2.44 m (8 ft.) to permit a new industrial building to be constructed. All other zone performance standards are met.

The proposed new building will also be subject to site plan control if the requested variance is granted.

The applicant was in attendance.

Chairperson, G. Queen confirmed there were no comments from the committee, applicant or the public.

CA - 11 - 2018

Moved by Thomas Neufeld, seconded by Allison Vilardi that Minor Variance Application A/04/18, to reduce the interior side yard setback from 3 m (10 ft.) to 2.44 m (8 ft.) to permit a new industrial building to be constructed, be **Approved** without conditions.

CARRIED

4. B / 01 / 18 – 34 Spruce St – Frederick & Veronica DOLL

Interim Town Planner, David French introduced the consent application and reviewed his report dated May 1st, 2018 which provides details regarding the request to re-establish a 748 sq. m (8,052 sq. ft.) residential lot containing an existing dwelling at 65 Pearl Street East, in the Town of Kingsville.

The subject parcel is designated 'Residential' by the Official Plan and is zoned 'Residential Zone 1 (R1.1)' under the Kingsville Comprehensive Zoning By-law.

The parcel is comprised of two formerly separate parcels which merged a number of years ago: one being approximately 867 sq. m (9,340 sq. ft.) in area (34 Spruce Street South); the second being approximately 748 sq. m (8,052 sq. ft.) in area (65 Pearl Street East). It is proposed that each lot be re-established in their former configuration. Each lot is serviced and accessed separately, and there are no zoning issues created as a result of the proposal.

The applicant was in attendance.

Committee member Jim Gaffan Jr. asked for clarification if there are actually two separate homes on one lot. Interim Planner David French explained that two properties merged due to process/procedure (per MPAC) not by the choice of the owners.

Chairperson, G. Queen confirmed there were no other comments from the committee, applicant or the public.

CA - 12 - 2018

Moved by Jim Gaffan Jr., seconded by Allison Vilardi that Consent Application B/01/18 to re-establish (sever) a 748 sq. m (8052 sq. ft.) residential lot containing an existing dwelling on lands known as 65 Pearl Street East, Part of Lots 11 & 12, Plans 184 & 185, in the Town of Kingsville, subject to the following conditions:

1. That a reference plan, if necessary, be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided to the Town for the files of the Secretary-Treasurer.
2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances.
3. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
4. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
5. That the owner confirm that all building services are contained within existing property lines and do not cross over the re-established lot lines.
6. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and

fully executed (no photocopies), including a copy of the reference plan prior to certification.

7. The conditions imposed above shall be fulfilled by **May 15, 2019** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

5. B / 02 / 03 / 04 / 18 – 8 Woodland St / 167 Road 2 E / 10 Woodland St – AMICO Properties

Interim Town Planner, David French introduced the consent application and reviewed his report dated May 1st, 2018 which provides details regarding the requested establishment of permanent private servicing easements across lands known as 8 & 10 Woodland Street and 167 Road 2 East, in the Town of Kingsville.

The establishment of permanent easements was part of the original agreement with the affected landowners as part of the Millbrook subdivision development. It is proposed that three (3) private servicing easements be established across portions of the subject parcels, being:

- 1: over 8 Woodland Street, in favour of 145 Road 2 East, 167 Road 2 East & 181 Road 2 East;
- 2: over 10 Woodland Street, in favour of 145 Road 2 East, 167 Road 2 East & 181 Road 2 East;
- 3: over 167 Road 2 East, in favour of 145 Road 2 East & 181 Road 2 East.

The applicant was in attendance.

Committee Member Jim Gaffan Jr. asked Interim Planner David French if the easement was at the back of 167 Road 2 E and the side yards of 8 Woodland Street and 10 Woodland Street. Mr. French confirmed for Mr. Gaffan that yes the easement would be to the back of 167 Road 2 and through the center of the properties on Woodland Street, forming a "T".

Chairperson, G. Queen confirmed there were no other comments from the applicant or the audience.

CA - 13 - 2018

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/02/18 to establish a permanent private servicing easement, over 8 Woodland Street (Lot 21, Plan 12M 552), in favour of 145 Road East, 167 Road 2 East and 181 Road 2 East, in the Town of Kingsville, subject to the following conditions:

- a. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
- b. The conditions imposed above shall be fulfilled by **May 15, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA - 14 - 2018

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/03/18 to establish a permanent private servicing easement, over 167 Road 2 East (Part of Lot 1, Concession 1, ED, Part 3, RP 12R 27217), in favour of 145 Road East and 181 Road 2 East, in the Town of Kingsville, subject to the following conditions:

- a. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
- b. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.

- c. The conditions imposed above shall be fulfilled by **May 15, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA - 15 - 2018

Moved by Jim Gaffan Jr., seconded by Russell Horrocks that Consent Application B/04/18 to establish a permanent private servicing easement, over 10 Woodland Street (Lot 21, Plan 12M 552), in favour of 145 Road East, 167 Road 2 East and 181 Road 2 East, in the Town of Kingsville, subject to the following conditions:

- a. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
- b. The conditions imposed above shall be fulfilled by **May 15, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

6. B / 05 / 18 – 400 Road 2 E – Paul Allan REPKO

Interim Town Planner, David French introduced the consent application and reviewed his report dated May 1st, 2018 which provides details regarding the requested consent to sever an existing dwelling deemed surplus to the needs of a prospective purchaser, on a 1.22 ha (3.291 ac.) lot from lands known as 400 Road 2 East, in the Town of Kingsville.

The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject farm parcel is 29 .8 ha (73.72 ac.) in size and contains a single detached dwelling. It is proposed that the dwelling, deemed surplus to the prospective purchaser, be severed on a 1.22 (3.291 ac.) lot. It will be a condition of the consent that the retained farm parcel be rezoned to prohibit new residential dwellings as per Provincial and Town policies.

Mr. French made mention of an email he received on May 11th, 2018 from a neighbouring property owner Mr. Andrew Vercruysse. Mr. Vercruysse owns a hog farm directly behind 400 Road 2 E. Mr. Vercruysse wanted to ensure that this severance will not impact the ability for him to expand his hog farm in the future. Mr. French elaborated that he did do his research with the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) on the Minimum Distance Separation (MDS) set back requirements which will be regulated through the building permit, and found that Mr. Vercruysse could do a 100% expansion without concern.

The applicant and his solicitor, Mr. Frank Ricci were both in attendance. Mr. Vercruysse was also in attendance.

Mr. Ricci made a comment that he was in agreement with Mr. French's report and findings. Mr. Ricci explained that he and his client have been working closely with the Manager of Planning Services, Mr. Robert Brown, and have already submitted the re-zoning application that is a condition of this severance.

Chairperson, G. Queen confirmed there were no other comments from the applicant or the audience.

CA - 16 - 2018

Moved by Russell Horrocks, seconded by Thomas Neufeld that Consent Application B/05/18 to sever a dwelling, deemed surplus to the farming operation of the prospective purchaser, on a 1.22 ha (3.291 ac.) lot, located at 400 Road 2 East, in Part of Lot 2, Concession 2, Eastern Division, in the Town of Kingsville, subject to the following conditions:

1. That a reference plan be deposited in the registry office, ***both an electronic and paper*** copy of the registered plan is to be provided for the files of the Secretary-Treasurer.
2. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality including satisfactory proof as to compliance of the location of all buildings on the subject

lands either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favourable minor variances shall have been processed for any non-compliances.

3. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments be undertaken for any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act.
4. That as a result of severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
5. A favourable Zoning By-law Amendment application is processed to prohibit future dwellings on the retained farm parcel prior to the consent being endorsed on the deeds.
6. That the severed and retained parcels be transferred to 2623991 Ontario Ltd., as outlined in the signed Agreement of Purchase & Sale;
7. A clearance letter of approval for the septic system on the severed parcel (surplus dwelling lot) must be obtained from the Town's Building Department.
8. That the necessary deed(s), transfers or charges be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
9. The conditions imposed above shall be fulfilled by **May 15, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

E. OTHER BUSINESS

Chairperson, G. Queen asked for clarification on the next meeting date, due to this month's meeting being moved forward. Manager of Planning Services, Robert Brown confirmed that the next meeting date is scheduled for Tuesday June 19th, 2018 if there are any applications to bring forward.

F. ADJOURNMENT

CA - 17 - 2018

Moved by Thomas Neufeld, seconded by Allison Vilardi there being no further hearings scheduled, the meeting was adjourned at 6:20 p.m.

CARRIED



CHAIRPERSON G. QUEEN

SECRETARY-TREASURER