

**COMMITTEE OF ADJUSTMENT MEETING**

**TUESDAY JULY 17<sup>TH</sup>, 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 Gord 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"> <li>• Deputy Mayor Gord Queen</li> <li>• Thomas Neufeld</li> <li>• Russell Horrocks</li> <li>• Allison Vilardi</li> <li>• Jim Gaffan Jr.</li> </ul>	<ul style="list-style-type: none"> <li>• Town Planner – Kristina Brcic</li> <li>• Manager of Planning – Robert Brown</li> <li>• Administrative – Stephanie Coussens</li> </ul>

**B. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

Chairperson Gord 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, MAY 15<sup>TH</sup>, 2018.**

**CA - 18 - 2018**

Moved by Russell Horrocks, seconded by Thomas Neufeld that the Committee of Adjustment Meeting Minutes dated May 15<sup>th</sup>, 2018 be adopted.

**CARRIED**

**D. HEARINGS**

**1. B/06/18 – Estate of Edbert KRUIS – 1577 Road 3 W**

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated July 5<sup>th</sup>, 2018 which provides details regarding the requested consent to sever an existing dwelling and three outbuildings, deemed surplus to the needs of the purchasers, on a 0.922 ha (2.28 ac.) lot from lands known as 1577 Road 3 West, in the Town of Kingsville.

The subject parcel is an approximately 20.7 ha (51.19 ac.) farm parcel containing an existing single detached dwelling and three outbuildings. It is proposed that the existing dwelling and outbuildings, deemed surplus to the purchasers, be severed on a 0.922 ha (2.28 ac.) lot. The purchasers maintain a qualifying dwelling and farm parcel located at 2107 Fox Run Road in the Municipality of Leamington.

The applicant’s planner Jackie Lassaline, of Lassaline Planning Consultants was in attendance.

Committee member Allison Vilardi asked the Town Planner Kristina Brcic to provide further explanation of the Provincial Policy Statement regarding Farm Consolidation. Kristina Brcic explained that the purchaser owns a home in the Municipality of Leamington as well as other

farm properties in the Municipality of Kingsville, which is acceptable to fulfil the requirement of a surplus dwelling severance. Ms. Brcic also explained that the severed and retained parcels are to be transferred to Mr. Rick Policella of Policella Farms.

Committee member Jim Gaffan Jr. asked for clarification of the property that was highlighted in green on the projection screen during the review of the Planner's Report. Mr. Gaffan wanted to be sure that what was highlighted was the property as it stands today. The Town Planner Kristina Brcic confirmed that the highlighted property was showing the parcel as a whole.

Mrs. Jackie Lassaline, of Lassaline Planning Consultants spoke to the committee to confirm that she was in agreement with the report that was presented by Ms. Brcic

Mr. Michael BURNS and Mrs. Jodi DUFF-BURNS of 1567 Road 3 W, in the Town of Kingsville questioned if there will be any homes remaining on the property. They also wanted to know what will be permitted on the severed land, such as a greenhouse, loading dock, or an office.

Town Planner, Kristina Brcic confirmed that the severed land will have a dwelling and three outbuildings. A re-zoning will be undertaken as a condition of consent that the remaining farm land prohibit dwellings.

Chairperson, Gord Queen confirmed there were no other comments from the committee or the audience.

#### **CA - 19 - 2018**

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent application B/06/18, to sever a dwelling and three outbuildings, deemed surplus to the farming operation of the purchasers, on a 0.922 ha (2.28 ac.) lot, located at 1577 Road 3 West, in Part of Lot C, Concession 2 Western Division, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the subject property is to be angle staked and a plan of survey prepared and reference plan 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. 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.
7. That the severed and retained parcels be transferred to Ricky Policella, as outlined in the signed Agreement of Purchase & Sale.

8. The conditions imposed above shall be fulfilled by **July 17, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

**2. B/08/18 – BURRELL / SHAUGHNESSY / LAWRENCE / BALEN – 169 Prince Albert St N.**

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated July 9<sup>th</sup>, 2018 which provides details regarding the requested consent for the creation of two lots for lands known as 169 Prince Albert Street North, in the Town of Kingsville.

The subject land is a vacant 14,023 sq. m (150,942 sq. ft.) residential parcel with approximately 71.75 sq. m (235.41 ft.) of frontage. It is proposed that the existing lot be subdivided as follows:

1. Severed Parcel: Area – 4,697.8 sq. m (50,566.4 sq. ft.); 23.92 m (78.48 ft.);
2. Severed Parcel: Area – 4,594.8 sq. m (49,458.1 sq. ft.); 23.92 m (78.47 ft.);
3. Retained Parcel: Area – 4,634.6 sq. m (49,886.3 sq. ft.); 23.92 m (78.47 ft.).

In addition to the above noted consent, the applicants have also filed an application for a zoning by-law amendment in order to establish appropriate building envelopes for potential new dwellings and to ensure future protection of the wooded area located at the rear of the property.

The applicants, Diane Balen, Andrea Shaughnessy, Tom Lawrence and Anthony Burrell were in attendance.

Town Planner, Kristina Brcic made the committee aware that on Friday July 13<sup>th</sup> a meeting was held with the applicants where the Ministry of Natural Resources and Forestry (MNR) requirements were discussed. The MNR gave the applicants two options in order to be in compliance with their standards. Option 1 is to maintain a building setback of 150 feet from the drip line on the property. Option 2 is to put up a Snake Fence at the drip line.

Chairperson, Gord Queen request that the Town Planner review the conditions of the consent for the audience.

Chairperson, Gord Queen made note of the comments that were received from Essex Regional Conservation Authority (ERCA) requesting that the application be deferred until an environmental study could be conducted. Manager of Planning Services, Robert Brown confirmed an assessment had been completed and that with MNR had provided clearance as such there would be no further issues for ERCA.

Committee Member Jim Gaffan Jr. asked if the wording could be clarified that there are actually going to be 3 lots.

Committee Member Russell Horrocks asked for clarification of the planners comments in the report regarding the greater potential for infill not achieved. Ms. Brcic noted that the property had a greater potential for infill due to its available servicing and location.

Mrs. Bonnie BALDWIN, of 151 Prince Albert St N, in the town of Kingsville, referenced the Notice of Public meeting that she received via Canada Post, and asked why she couldn't find the statement regarding the efficient use of the land. Ms. Brcic made her aware that the statement she was looking for came from the Planner's Report. Ms. Baldwin asked for more information on what a Snake Fence is, what is it made of and the purpose of it. Ms. Brcic explained that a Snake Fence is designed to keep the snakes in the natural habitat, and discourage them from entering into the residential area. There are different materials available for the construction of the Snake Fence. Ms. Baldwin asked for an explanation of a building envelope; if more than one home will be permitted on each lot; as well as information on what is a Holding Provision. Ms. Brcic explained that the Building Envelope is the size, area and location in which a home is permitted to be built. Ms. Brcic confirmed that the current zoning will permit a Single Detached Dwelling on each lot and the Holding

Provision was placed on the property to put a hold on the release of any Building Permits until the Town is satisfied with the servicing of the lot.

Mr. Robert MIHALIK, of 40 Ivy Lane, in the town of Kingsville, asked if the applicants have decided to go forward with the Snake Fence and if so, what is the setback from the Snake Fence. Ms. Brcic confirmed that the applicants are placing the Snake Fence on the drip line of the wooded area and that there are no setback requirements from the Snake Fence.

Chairperson, Gord Queen asked the Planner, Kristina Brcic to explain the appeal period to the audience.

Chairperson, Gord Queen confirmed there were no other comments from the committee or the audience.

### CA - 20 - 2018

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/08/18, for the creation of two lots, being, Part 1 - 4697.8 sq. m (50566.4 sq. ft.) in area and Part 2 - 4594.8 sq. m (49458.1 sq. ft.) on lands currently known as 169 Prince Albert Street North, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the subject property is to be angle staked and a plan of survey prepared and reference plan 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 necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification;
4. 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;
5. 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;
6. The applicant provides a new water service, storm water connection and sanitary connection for both severed lots (Parts 1 & 2 as shown on the Applicants Sketch) at the applicants expense and to the satisfaction of the Town prior to certification;
7. The applicant provides fencing along the drip line, as it exists on the date of approval, for the severed and retained lots at the applicants expense, to the satisfaction of the Town and the Ministry of Natural Resources and Forestry prior to certification;
8. That the severed lots obtain a new municipal address;
9. That a park fee of \$1,500.00 is paid to the municipality for the creation of each of the new lots prior to certification;
10. That the applicant obtains the necessary permits from the Town for the construction of a new entrance for both severed lots (Parts 1 & 2 as shown on the Applicants Sketch);

11. A favourable Zoning By-law Amendment application is processed to in order to establish appropriate building envelopes for potential new dwellings and to ensure future protection of the woodlot located at the rear of the property, prior to the consent being endorsed on the deeds.
12. The conditions imposed above shall be fulfilled by **July 17, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

### **3. B/09/18 – Dalen and Fairlee TOEWS – 99 & 95 Gladstone Avenue**

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated July 9<sup>th</sup>, 2018 which provides details regarding the requested consent to create a lot, on lands known as 95 & 99 Gladstone Avenue, in the Town of Kingsville.

The subject parcel is a 580.644 sq. m (6,250 sq. ft.) residential lot, on which a semi-detached dwelling is currently being constructed. It is proposed that the lot be subdivided so that each semi-detached dwelling unit is on a separately conveyable parcel. Each lot will have 7.62 m (25 ft.) of frontage and a lot area of 290.3 sq. m (3,125 sq. ft.) and will be separately serviced and accessed.

The applicant was in attendance.

The property was rezoned in 2017 from R1-1 to R2-1 however after reviewing the originally zoning on the property the amendment was actually not necessary as the zoning on the property already permitted semi-detached dwelling. As such a technical amendment will be processed by the Planning Department to correct this transposition error.

The applicant must complete outstanding road restoration to the satisfaction of the Town prior to certification; as outlined in the conditions of this severance.

Committee Member Jim Gaffan Jr. commented that from the photos provided in the Planners Report to the Committee that the semi detached home has already been built. Mr. Gaffan asked if it can be assumed that at this moment it is under one owner, one deed, etc. The Town Planner, Ms. Brcic confirmed for Mr. Gaffan that yes the semi detached home is built, and is in one owner's name, with one deed. Mr. Gaffan asked why this process wasn't completed prior to the building of the semi detached home. Manager of Planning Services, Robert Brown explained that the typical Part lot Control or Plan of Subdivision is typically done prior to building in new subdivisions, but since this is an infill lot it has to be taken care of after the build due to the fact that the foundation line is used to split the lots.

Committee Member Russell Horrocks asked Administration if the 2017 zoning amendment that was done was not required. Manager of Planning Services, Robert Brown explained that the Town will undergo a technical amendment to make the correction.

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

### **CA - 21 - 2018**

Moved by Thomas Neufeld, seconded by Russell Horrocks that Consent Application B/09/18, for the creation of a lot being 290.3 sq. m (3,125 sq. ft.) in area on lands currently known as 95 & 99 Gladstone Avenue, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the subject property is to be angle staked and a plan of survey prepared and reference plan 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 necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photo copies), prior to certification;
4. 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;
5. 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;
6. The applicant complete outstanding road restoration to the satisfaction of the Town prior to certification;
7. The conditions imposed above shall be fulfilled by **July 17, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

**E. OTHER BUSINESS**

**F. ADJOURNMENT**

**CA - 22 - 2018**

Moved by Russell Horrocks, seconded by Jim Gaffan Jr. there being no further hearings scheduled, the meeting was adjourned at 6:40 p.m.

**CARRIED**



CHAIRPERSON G. QUEEN



SECRETARY-TREASURER