



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY AUGUST 21ST, 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">• Town Planner – Kristina Brcic• Manager of Planning – Robert Brown• Administrative – Stephanie Coussens

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, JULY 17TH, 2018.

CA - 23 - 2018

Moved by Russell Horrocks, seconded by Thomas Neufeld that the Committee of Adjustment Meeting Minutes dated July 17th, 2018 be adopted.

CARRIED

D. HEARINGS

1. B / 07 / 18 – Pratt Fitch and Jones Limited – 436 County Rd 27 E

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated August 13th, 2018 which provides details regarding the requested consent to create a rural residential 0.3 ha (0.75 ac.) lot from the lands known as 436 County Road 27 E, in the Town of Kingsville.

The subject land totals 63.6 ha (157.2 ac.) and is currently used as a golf course. The applicant is proposing to create one new 0.37 ha (0.9 ac.) rural residential lot with frontage along Road 11 immediately west of 257 Road 11. Under the Parks & Open Space designation policies 3.5 (f) lands under private ownership can be considered for redevelopment subject to re-designation of the lands.

An Official Plan and Zoning By-law amendment was approved by Council at the July 23, 2018 meeting. This approval has provided the ability to create one new rural residential lot similar to the existing lots in the area.

The applicant was in attendance.

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

CA - 24 - 2018

Moved by Thomas Neufeld, seconded by Jim Gaffan Jr. that Consent application B/07/18 to create a new rural residential lot, being 0.37 ha (0.9 ac.) in area, from the lands known as 436 County Road 27 E, Part of Lot 13, Concession 11, in the Town of Kingsville, be **Approved** 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 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.
3. That the owner shall provide that all municipal taxes be paid in full.
4. That any necessary apportionments of storm drainage be undertaken.
5. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
6. 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.
7. That the applicant's obtain a permit for a new access to the severed parcel, any cost associated with the access installation shall be the applicant's responsibility;
8. That the applicant's pay for and install a new water service connection to the severed parcel to the satisfaction of the Town;
9. That a park fee of \$1,500.00 is paid to the municipality for the creation of the new lot prior to certification;
10. That the severed lot obtain a municipal address and that the applicants pay for a 911 sign prior to certification;
11. That the County of Essex has provided confirmation of final approval of OPA #8.
12. The conditions imposed above shall be fulfilled by **August 21, 2019** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

2. B / 10 / 18 – Kyle & Kristyn WEBB – 270 County Rd 34 E

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated August 9th, 2018 which provides details regarding the requested consent to sever and convey a portion of land, being 3.9 ha (9.595 ac.) in area, as a lot addition to an abutting rural residential property, from the lands known as 270 County Road 34 East to the lands known as 278 County Road 34 East, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the south side of County Road 34 East, east of County Road 29. The subject property is designated 'Agriculture' by the Official Plan and zoned 'Agriculture (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject land is a 4.5 ha (11.2 ac.) parcel and contains an existing dwelling, garage and storage shed. The applicant has received a request from an abutting property owner to purchase approximately 3.9 ha (9.595 ac.) of vacant farm land. These lands would then be conveyed as a lot addition to the abutting parcel, 278 County Rd 34 E. There is no zoning issue raised as a result of the proposed lot addition as the severed lands and receiving lot are both 'Agriculture (A1)'.

The applicant was in attendance. No comment from the applicant.

Mrs. Jana HOWE, of 260 County Rd 34 E, expressed her concern with the property returning to the unkempt state that it was prior to the WEBB's purchasing the property. Mr. Daniel CHOQUETTE, of 278 County Rd 34 E, announced that he was the purchaser for this severance portion of land (approximately 3.9 ha). Mr. CHOQUETTE was the individual that assisted the WEBB's in cleaning up the property previously. Mr. CHOQUETTE assured Mrs. HOWE that he intends to keep the property in a respectable manner.

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

CA - 25 - 2018

Moved by Thomas Neufeld, seconded by Allison Vilardi that Consent Application B/10/18 to sever and convey a portion of land, being 3.9 ha (9.595 ac.) in area, as a lot addition to an abutting residential parcel, from the lands known as 270 County Road 34 East to the lands known as 278 County Road 34 East, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the lot addition, shown on the applicant's sketch as Part 1, be conveyed to the owner of the abutting parcel and consolidated with 278 County Road 34 East / PIN 75164-0061 and Section 50(3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
2. That a reference plan 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.
3. 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.
4. That the owner shall provide that all municipal taxes be paid in full.
5. That any necessary apportionments of storm drainage be undertaken.
6. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
7. 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.
8. A clearance letter of approval for the septic system on the severed parcel (270 County Road 34 East) must be obtained from the Town's Building Department.
9. The conditions imposed above shall be fulfilled by **August 21, 2019** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

3. A / 06 / 18 – 1552843 Ontario Ltd / Noah Homes – 25 & 27 Robin Court

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated August 13th, 2018 which provides details regarding the request for relief to increase the lot coverage from 52% to 54%, on lands known as 25 & 27 Robin Court, Block 84, on Plan 12M-598 in the Royal Oak at the Creek subdivision, in the Town of Kingsville.

The subject parcel is an 859.65 sq. m (9,253 sq. ft.) residential lot. A semi-detached dwelling has been constructed on the parcel.

In July 2017 a minor variance was approved for a reduction in the front and rear yard setbacks, as well as an increase in lot coverage to 52%.

The original plans for the dwelling called for an uncovered porch. The as-built plans show a covered porch. With a covered porch the dwelling maintains a similar look as the surrounding dwellings. However, this puts the lot coverage slightly over what was approved. As such the applicant is requesting further relief to increase the lot coverage from 52% to 54%.

The applicant was in attendance.

Chairperson, G. Queen asked for clarification of the condition, is this site specific? The Town Planner, Kristina Brcic confirmed that yes this application pertains only to 25 & 27 Robin Court.

Committee member T. Neufeld asked if this semi-detached home has already been constructed, and what happens if the Committee of Adjustment denies this application. The Town Planner, Kristina Brcic confirmed that yes this semi-detached home has already been constructed, and if the Committee of Adjustment decides to deny this application the Town would have to issue an order to the builder that the covered roof be removed.

The applicant explained to the Committee that the wrong master plan was given to the foundation crew. The Town Building Department noticed the error at the Framing inspection, and triggered this application.

Committee member R. Horrocks asked if the Committee of Adjustment will be hearing similar applications from this builder regarding this type of variance for this phase of the subdivision. The applicant confirmed that the lots on Robin Court are sold out and there will be no more builds on Robin Court. The applicant wanted the committee to know that these lots are 10 feet shorter than the other lots on Robin Court and that is part of the reason that variance was required.

Committee member A. Vilardi asked the applicant if he is informing the purchasing owners that they are not able to construct any other structures on the property, for example, a shed, due to maximizing his lot coverage. The applicant stated that he is advising the purchaser(s) that a permit is not required if a shed is under 100 sq ft. Chairperson, G. Queen made the applicant aware that lot coverage is at the absolute maximum and therefore a shed is not permitted on the property. The Town planner, K. Brcic agreed with Chairperson, G. Queen.

Committee member J. Gaffan Jr. explained that lot coverage and by-law are put in place and enforced to protect neighbours. Committee member T. Neufeld asked that the applicant ensure that this matter is not going to be heard again.

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

CA - 26 - 2018

Moved by Thomas Neufeld, seconded by Russell Horrocks that Minor Variance Application A/06/18, pertaining to the lands known as 25 & 27 Robin Court to permit an increase in the lot coverage from 52% to 54% subject to the following conditions:

- i) that any new construction comply with all other applicable provisions of the By-law;

CARRIED

E. OTHER BUSINESS

F. ADJOURNMENT

CA - 27 - 2018

Moved by Allison Vilardi, seconded by Jim Gaffan Jr. there being no further hearings scheduled, the meeting was adjourned at 6:45 p.m.

CARRIED


CHAIRPERSON G. QUEEN


SECRETARY-TREASURER