



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY JANUARY 22ND, 2019 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

Robert Brown, Manager of Planning 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• Councillor Thomas Neufeld• Russell Horrocks• Allison Vilardi• Shannon Olson	<ul style="list-style-type: none">• Town Planner – George Robinson• Manager of Planning – Robert Brown• Administrative – Stephanie Coussens

Robert Brown, Manager of Planning, called for Chairperson Nominations for the 2019-2022 Committee.

CA - 01 - 2019

Moved by Gord Queen, seconded by Russell Horrocks that Thomas Neufeld be appointed Chairperson for the 2019-2022 Committee of Adjustment.

CARRIED

Robert Brown, Manager of Planning, called for Vice-Chairperson Nominations for the 2019-2022 Committee of Adjustment.

CA - 02 - 2019

Moved by Gord Queen, seconded by Allison Vilardi that Shannon Olson be appointed Vice-Chairperson for the 2019-2022 Committee of Adjustment.

CARRIED

Robert Brown, Manager of Planning called for appointment of the Secretary-Treasurer for the 2019-2022 Committee of Adjustment.

CA - 03 - 2019

Moved by Russell Horrocks, seconded by Allison Vilardi that George Robinson be appointed the Secretary-Treasurer of the 2019-2022 Committee of Adjustment.

CARRIED

Robert Brown, Manager of Planning called for appointment of the Deputy Secretary-Treasurer for the 2019-2022 Committee of Adjustment.

CA - 04 - 2019

Moved by Gord Queen, seconded by Allison Vilardi that Robert Brown be appointed the Deputy Secretary-Treasurer of the 2019-2022 Committee of Adjustment.

CARRIED

B. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Chairperson T. Neufeld 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, NOVEMBER 22ND, 2018.

CA - 05 - 2019

Allison Vilardi reviewed an item that was included as a condition from the November meeting. She then asked that the committee ensure that all conditions are clarified prior to making a motion to pass going forward.

Moved by Gord Queen, seconded by Russell Horrocks that the Committee of Adjustment Meeting Minutes dated November 22nd, 2018 be adopted.

CARRIED

D. HEARINGS

1. A / 12 / 18 – 1296 Graham SdRd - Stephen and Shellie DANCKAERT

Town Planner, George Robinson introduced the Minor Variance application and reviewed his report dated January 11th, 2019 which provides details regarding the requested Minor Variance to the required front yard of a non-complying building to allow an addition onto an existing dwelling on lands known as 1296 Graham Side Road, in the Town of Kingsville.

The subject land is an approximately 1,029.7 sq. m (11,084 sq. ft.) residential lot with a single detached dwelling and two accessory structures. The applicants wish to build a 51.56 sq. m. (555 sq. ft.) addition onto the north facing wall of the existing home (as shown on Applicants' Sketch). Relief is being requested from Section 4.24 b) Non-complying buildings and structures, and more specifically section b) Horizontal Extension Permitted – Front and Side yards, subsection iv) which states:

- the encroachment within the front yard and/or side yard is not closer than the front yard and/or side yard setback of the existing main dwelling;

Since the lot is irregular shaped and the applicants wish to build the extension of the home in a linear fashion, matching the existing dwelling's front wall, they are requesting relief from the zoning by-law which will result in a front yard setback of 2.26 m (7.4 ft.) along the main dwelling addition's closest point to the front lot line. As per the attached site plan, all other zone performance standards are in compliance.

The applicant Stephen Danckaert was in attendance.

Chairperson, T. Neufeld asked if there were any comments from the committee.

Chairperson, T. Neufeld confirmed there were no comments from the committee, applicant or the public.

CA - 06 - 2019

Moved by Allison Vilardi, seconded by Russell Horrocks that Minor Variance Application A/12/18, pertaining to the lands known as 1296 Graham Side Road to grant relief from Section 4.24 b) Non-complying buildings and structures – Town of Kingsville Zoning By-law 1-2014 to permit the construction of an addition onto the existing residential dwelling reducing the required front yard minimum to 2.26 m (7.4 ft.) along the main dwelling addition's closest point to the front lot line, be **Approved** subject to the following conditions:

1. That any new construction complies with all other applicable provisions of the By-law.
2. That the addition is constructed in accordance with Ontario Building Code.
3. That the owners obtain any applicable permits from ERCA for construction and site alteration.
4. That a clearance letter of approval for the septic system must be obtained from the Town's Building Department.

CARRIED

2. B / 18 / 18 & A / 13 / 18 – 1600 Union Ave. - Ron SELLON

Town Planner, George Robinson introduced the Consent and Minor Variance application and reviewed his report dated January 11th, 2019 which provides details regarding a combined application for consent and minor variance to create a lot on lands known as 1600 Union Avenue, in the Town of Kingsville.

The subject land is an approximately 0.44 ha (1.1 ac.) parcel that contains an existing dwelling. It is proposed that the lot be severed (as shown on the Applicants Sketch) and the retained lot (1600 Union Ave) be approximately 0.199 ha (0.49 ac.) in area; and the proposed severed lot (vacant land) be approximately 0.245 ha (0.61 ac.) in area. The proposed lot frontages fall too short of the 30 m (100 ft) minimum lot frontage required by the current 'Residential Zone 2 Rural/Urban (R2.2)' zone.

As a result of the proposed severance, the following zone deficiencies are created which will require a minor variance application to address:

- Retained: Reduced lot frontage from the required 30 m (100 ft) minimum to 19.81 m (64.99 ft.);
- Severed: Reduced lot frontage from the required 30 m (100 ft) minimum to 24.38 m (79.99 ft.)

The applicant Mr. Ron Sellon and his solicitor Jonathan Sinopoli were in attendance.

Chairperson, T. Neufeld asked if there were any comments from the committee, applicant or the public.

Chairperson, T. Neufeld confirmed there were no comments from the committee, applicant or the public.

CA - 07 - 2019

Moved by Gord Queen, seconded by Shannon Olson that Consent Application B/18/18 to create a new vacant 0.245 ha (0.61 ac.) residential parcel from the lands known as 1600 Union Avenue, Part of Lot 9, Concession 1 Eastern Division, Parts 2 & 3, Plan 12R-7943, 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 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 any necessary drainage reapportionments be undertaken.
5. A clearance letter of approval for the septic system on the severed parcels (surplus dwelling lots) must be obtained from the Town's Building Department.
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. The applicant provides a new water service at the applicant's expense and to the satisfaction of the Town prior to certification.
8. That the severed lot obtain a municipal address.
9. That the applicant obtains the necessary permits from the Town or County for the construction of a new entrance for the severed lot.
10. That the necessary deed(s), transfer or charges be ***submitted in triplicate***, signed and fully executed (***no photo copies***), prior to certification.
11. That Minor Variance Application A/13/18 be finally approved.
12. The conditions imposed above shall be fulfilled by **January 22, 2020** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA - 08 - 2019

Moved by Gord Queen, seconded by Russell Horrocks that Minor Variance Application A/13/18 to reduce the required lot frontage from 30 m (100 ft) minimum to 19.81 m (64.99 ft.) for the Retained lot; and reduce the required lot frontage from 30 m (100 ft) minimum to 24.38 m (79.99 ft.) for the Severed lot be **Approved** without conditions.

CARRIED

3. B / 19 / 18 – 1337 Briarwood – David & Stacey JONES

Town Planner, George Robinson introduced the Consent application and reviewed his report dated January 11th, 2019 which provides details regarding the requested consent to sever and convey a portion of land, being 699.84 sq. m (7,533 sq. ft.) in area, as a lot addition to an abutting residential property, from the lands known as 1337 Briarwood Cres to the lands known as 1328 Mc Rae Ave, in the Town of Kingsville.

The subject land is a 0.21 ha (0.51 ac.) parcel (shown in red in Appendix A) and contains an existing dwelling. The applicant has received a request from an abutting property owner (shown in blue in Appendix A) to purchase approximately 699.84 sq. m (7,533 sq. ft.) of vacant land (shown as Part 1 on the Applicants' Sketch). These lands would then be conveyed as a lot addition to the abutting parcel, 1328 Mc Rae Ave.

The main purpose of the severance is to attain the piece of land as additional back yard space, and to straighten out the side yard lot line. There is no zoning issue raised as a result of the proposed lot addition as the severed lands and receiving lot are both 'Lakeshore Residential (LR)' and both parcels will continue to meet the minimum lot area and lot frontage requirements.

The applicant David & Stacey Jones were in attendance.

Chairperson, T. Neufeld asked if there were any comments from the committee, applicant or the public.

Chairperson, T. Neufeld confirmed there were no comments from the committee, applicant or the public.

CA - 09 - 2019

Moved by Allison Vilardi, seconded by Gord Queen that Consent Application B/19/18 to sever and convey a portion of land, being 699.84 sq. m (7,533 sq. ft.) in area, from the lands known as 1337 Briarwood Cres to an abutting residential parcel, known as 1328 Mc Rae Ave as a lot addition, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That the lot addition to be severed, shown on the applicant's sketch as Part 1, be conveyed to the owner of the abutting parcel (1328 Mc Rae Ave) 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 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 drainage reapportionments be undertaken.
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 any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
8. That a clearance letter of approval for the septic system on the retained parcel (1337 Briarwood Cres) must be obtained from the Town's Building Department.
9. The conditions imposed above shall be fulfilled by **January 22, 2020** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

4. B / 22 / 18 & A / 11 / 18 -125 Pearl St W - Matthew and Hiedee RIPLEY

Town Planner, George Robinson introduced the consent application and reviewed his report dated January 11th, 2018 which provides details regarding the requested consent to create an additional lot and an associated minor variance for lands known as 125 Pearl St W, in the Town of Kingsville.

The subject parcel is 1,015.15 sq. m (10,926 sq. ft.) in size and contains a single detached dwelling, and a shed. The applicant is requesting to sever the parcel into two residential lots (shown in red and blue in Appendix A of the Planners Report). Both the retained and severed

lands would result in lots with an area of approximately 507.6 sq. m. (5463.5 sq. ft.) and 12.6 m (41.50 ft.) of frontage onto Pearl St. W. The applicant is requesting relief from the 'Residential Zone 1 Urban (R1.1)' required lot frontage of 15 m (50 ft.) to 12.6 m (41.5 ft.) on both the retained and severed lands through a minor variance. On the retained lands the applicant is requesting relief from the interior side yard setbacks to 0.91 m (3 ft.) on one side and 1.8 m (6 ft.) on the other (as shown on the Applicants Sketch in Appendix B of the Planners report) due to the positioning of the existing house.

Mr. Brown received comment from a neighbouring property owner, Kathy and Gary Fulmer of 116 Pearl St W, in the Town of Kingsville, the same day as the meeting. A copy was given to the Committee Members at the beginning of the meeting. Mr. & Mrs. Fulmer had concerns regarding parking.

Town Planner George Robinson, addressed the committee regarding the comments from Mr. & Mrs. Fulmer in stating that when the building permit is submitted to the Town for the new home on the severed lot a driveway will be installed.

CA - 10 - 2019

Moved by Allison Vilardi, seconded by Gord Queen to accept the correspondence from Mr. & Mrs. Fulmer of 116 Pearl St W.

CARRIED

The applicant Matthew Ripley was in attendance.

Chairperson, T. Neufeld asked if there were any comments from the committee.

Committee Member Gord Queen asked if a 41.5 foot wide lot instead of 50 foot was consistent with the make-up of the area. Mr. Robinson replied that the lot sizes in the area vary between 40 and 50 feet. The size of the lot is consistent with the surrounding area.

Committee Member Shannon Olson, ask for clarification on the drive way. Mr. Robinson replied that a new build will require a new access / driveway. The driveway will be addressed at the time of issuing a building permit for the new build. The retained parcel did not have a driveway before and will remain with no driveway.

Chairperson, T. Neufeld confirmed there were no other comments from the committee or the audience.

CA - 11 - 2019

Moved by Russell Horrocks, seconded by Allison Vilardi that Consent Application B/22/18 to create one (1) new residential lot, being 507.6 sq. m. (5,463.5 sq. ft.) in area, from the lands known as 125 Pearl Street W., Part of Lot 2, Concession 1, WD, in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That a plan of survey be prepared or a reference plan deposited in the registry office, ***both an electronic and paper*** copy of either 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 and private park fees be established 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. The applicant is to provide a new sanitary, private storm drain connection, and water service connection to the severed parcel.
6. A permit shall be obtained from the Town for the installation of a new entrances or changes to existing entrances from Pearl Street to the retained or severed lots, any cost associated with the access installation shall be the applicant's responsibility.
7. A park fee of \$1,500.00 is paid to the municipality for the creation of the new lot prior to certification.
8. That the severed lot obtain a municipal address.
9. That Minor Variance (A/11/18) is approved and finalized.
10. The conditions imposed above shall be fulfilled by **January 22, 2020** for this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

CA - 12 - 2019

Moved by Shannon Olson, seconded by Russell Horrocks that Minor Variance Application A/11/18 to reduce the required lot frontage on the severed and retained parcel from 15 m (50 ft.) to 12.6 m (41.5 ft.) on both the retained and severed lands be **Approved** without conditions.

CARRIED

5. B / 23 / 18 – 27 Mettawas Lane - HTM Management Inc

Town Planner, George Robinson introduced the consent application and reviewed his report dated January 11th, 2019 which provides details regarding the requested consent to establish a permanent easement for lands known as 25 & 27 Mettawas Lane, in the Town of Kingsville.

The subject lands consist of two parcels 25 and 27 Mettawas Lane (See Appendix A). The owner/developer of the subdivision has completed construction of townhouse units in the Mettawas Lane development. Due to the curvature of the road and location of the neighbouring townhouse's end unit (Unit 25), a request for consent to establish an easement and shared access for a portion of the driveway (shown as Part 9 and Part 10 on the Applicant's Sketch in Appendix B) has been submitted. This would result in shared driveway access from the road which then splits off to each individual unit's (25 & 27) garage.

Chairperson, T. Neufeld asked if there were any comments from the committee.

Committee member Shannon Olson, asked if the proposed easement is similar or the same as 26, 28 and 30 Mettawas Lane. Town Planner, George Robinson confirmed that yes this easement is similar.

Committee member Allison Vilardi, referenced the 12R provided, she asked if the 2ft frontage indicated is correct. The Town Planner, George Robinson, indicated that due to the curvature of the bump out the measurements are pushed back. Ms. A. Vilardi, asked if the lot conforms to the lot requirements. Mr. G. Robinson indicated that lot frontages were confirmed as compliant as part of the earlier Part Lot Control application.

Chairperson, T. Neufeld confirmed there were no other comments from the committee or the audience.

CA - 13 - 2019

Moved by Gord Queen, seconded by Shannon Olson that Consent Application B/23/18 to establish a permanent easement for access on the lands known as 25 & 27 Mettawas Lane, as shown on the applicant's sketch as Part 9 and Part 10, RP 12R 27382, 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 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.
3. The conditions imposed above shall be fulfilled by **January 22, 2020** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

6. B / 24 / 18 – 176 Road 3 E - Cornelius VERSNEL

Town Planner, George Robinson introduced the consent application and reviewed his report dated January 11th, 2019 which provides details regarding the requested consent to sever an existing dwelling deemed surplus to the needs of the owner, from lands known as 176 Road 3 E, in the Town of Kingsville.

The Town of Kingsville has received the above-noted application for lands located on the north side of Road 3 East, east of County Road 29 (Division Rd N). The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The parcel is approximately 12.34 ha (30.49 ac.) in size and contains a single detached dwelling, several outbuildings, including a barn, and vacant farmland. It is proposed that the dwelling and outbuildings, deemed surplus to the owner, be severed creating a new lot, as well as establishment of an easement over the existing driveway to allow access to an existing neighbouring parcel as shown on the applicants' sketch as:

- Part 1 – Surplus Dwelling Severance: Area of 0.25 ha (0.625 ac.), Frontage of 43.73 m (143.47 ft.)
- Part 2 – Driveway Access Easement: Area of 0.04 ha (0.110 ac.), Frontage of 9.14 m (30 ft.)

As a condition of the consent the retained farm parcel must be rezoned to prohibit dwellings as per Provincial and Town policies. An application for rezoning has been filed (Zoning by-law Amendment ZBA/35/18).

The applicant Mr. Versnel was in attendance. Mr. Versnel asked if the condition to install a new access to the retained farm parcel is mandatory or is it an option.

Committee Member R. Horrocks asked for clarification on which condition is in question. Town Planner George Robinson confirmed the condition in question reads as follows, "That the applicant obtain the necessary permit for and install a new access to the retained farm parcel at the applicant's expense and to the satisfaction of the Town and/or County".

The Manager of Planning Services, Robert Brown, explained the process of coming up with the condition to install the new access. The new access is a condition required by Municipal Services.

Chairperson, T. Neufeld confirmed there were no other comments from the committee or the audience.

CA - 14 - 2019

Moved by Russell Horrocks, seconded by Shannon Olson that Consent Application B/24/18 to sever an existing dwelling deemed surplus to the needs of the owner on a 0.25 ha (0.625 ac.) parcel shown as Part 1 and 2 on the applicants' sketch, and establish a permanent easement over the existing driveway shown as Part 2 on the applicants' sketch in favour of the neighbouring lot located at located at 204 Road 3 East, in Part of Lot 1, Concession 3 ED, 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.
3. That the owner shall provide that all municipal taxes be paid in full.
4. That any necessary drainage reapportionments be undertaken.
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. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full.
7. 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.
8. A clearance letter of approval for the septic system on the severed parcels (surplus dwelling lots) must be obtained from the Town's Building Department.
9. That the owners provide proof to the satisfaction to the Town of the location of the municipal water service connection to the severed parcels.
10. That the applicants remove any buildings encroaching on a proposed lot line and that the setback of any building(s) to remain must comply with the provisions of the applicable zoning;
11. That the applicant obtain the necessary permit for and install a new access to the retained farm parcel at the applicant's expense and to the satisfaction of the Town and/or County;
12. 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.
13. The conditions imposed above shall be fulfilled by January 22, 2020 or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

CARRIED

E. OTHER BUSINESS

- Review of 2019 Calendar of Meeting Dates
- Approval of 2019 Calendar of Meeting Dates

CA - 15 - 2019

Moved by Gord Queen, seconded by Shannon Olson to approve the proposed 2019 Calendar Meeting Dates.

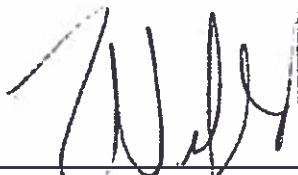
CARRIED

F. ADJOURNMENT

CA - 16 - 2019

Moved by Russell Horrocks, seconded by Shannon Olson there being no further hearings scheduled, the meeting was adjourned at 6:29 p.m.

CARRIED



CHAIRPERSON T. NEUFELD



SECRETARY-TREASURER