



# MINUTES

## COMMITTEE OF ADJUSTMENT MEETING

TUESDAY NOVEMBER 20<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 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"><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 G. Queen reminded Committee members to disclose any interest they may have prior to each agenda item being discussed.

Russel Horrocks disclosed pecuniary interest involving B / 20 & 21 / 18 – Kingsville Golf & Country Club – VL & 640 – 700 County Rd 20.

### C. ADOPTION OF COMMITTEE OF ADJUSTMENT MEETING MINUTES DATED TUESDAY, OCTOBER 23<sup>RD</sup>, 2018.

#### CA - 34 - 2018

Moved by Jim Gaffan Jr., seconded by Russell Horrocks that the Committee of Adjustment Meeting Minutes dated October 23<sup>rd</sup>, 2018 be adopted.

**CARRIED**

### D. HEARINGS

#### **1. A / 07 / 18 – Sandra McLeod – 466 Waterview Rd**

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated November 13<sup>th</sup>, 2018 which provides details regarding the requested Minor Variance to increase the lot coverage and decrease the side yard setback for the construction of a new dwelling and detached garage on lands known as 466 Waterview Road, in the Town of Kingsville.

The subject land is an approximately 422.06 sq. m (4,543 sq. ft.) residential lot with a single detached dwelling. The applicant is requesting that a minor variance be considered to construct a new single family dwelling with a detached garage.

The applicant is seeking the following variances:

- Total lot coverage, from 40% to 47%
- Interior Side yard setback, from 3 m (10 ft.) to 1.5 m (5 ft.)
- Accessory Structure/building lot coverage, from 10% to 11.4%

All other zone performance standards are met.

The applicant Sandra McLeod was in attendance.

Chairperson, G. Queen asked if there were any comments from the committee.

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

### **CA - 35 - 2018**

Moved by Russell Horrocks, seconded by Allison Vilardi that Minor Variance Application A/07/18, pertaining to the lands known as 466 Waterview Road to:

- a) permit an increase in the total lot coverage from 40% to 47% in order to construct a 147.6 sq. m (1,589 sq. ft.) residential dwelling and a 48.3 sq. m (520 sq. ft.) detached garage;
- b) permit an increase in the accessory structure maximum lot coverage from 10% to 11.4% in order to construct a 48.3 sq. m (520 sq. ft.) detached garage;
- c) permit a decrease in the interior side yard from 3 m (10 ft.) and 1.5 m (5ft.) for a dwelling with a detached garage to 1.5 m (5 ft.) on both sides for a dwelling with a detached garage;

subject to the following conditions:

- i) that any new construction comply with all other applicable provisions of the By-law;
- ii) that the dwelling is constructed in accordance with Ontario Building Code;
- iii) that the owners obtain any applicable permits from ERCA for construction and site alteration.

**CARRIED**

### **2. A / 09 / 18 – John and Ruth Urbanic – 4 Lakeside Crescent**

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated November 14<sup>th</sup>, 2018 which provides details regarding the requested Minor Variance to grant relief from the maximum lot coverage and covered, unenclosed porch provisions of the by-law, on lands known as 4 Lakeside Crescent, in the Town of Kingsville.

The subject land is an approximately 298.31 sq. m (3,211 sq. ft.) residential lot with a townhouse dwelling unit. The dwelling was built with a covered, unenclosed porch, which was not shown in the original building permit. As a result, the applicants are requesting that a minor variance be considered to increase the total permitted lot coverage from 55% to 59% to permit the existing covered, unenclosed porch in the rear yard. Relief is also requested for the rear yard setback for the existing covered, unenclosed porch to continue to extend 4.26 m (14 ft.) into the required rear yard, and maintain a 3.35 m (11ft.) setback from the rear lot line. As per the attached site plan, all other zone performance standards are met.

The applicants John and Ruth Urbanic were not in attendance.

Chairperson, G. Queen asked if there were any comments from the committee.

Committee Member Allison Vilardi, asked if the approval of this Minor Variance would allow the property owners to enclose this porch; and if a new owner wants to enclose the porch would they be permitted? Town Planner, Kristina Brcic confirmed that the applicant would not be permitted to enclose the porch. The original request submitted to the Town was to enclose the porch; through the review of the application it was discovered that the porch had

already exceeded the allowed lot coverage and therefore a Minor Variance was required for the existing structure.

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

### **CA - 36 - 2018**

Moved by Thomas Neufeld, seconded by Jim Gaffan Jr. that Minor Variance Application A/09/18, pertaining to the lands known as 4 Lakeside Crescent to:

- a) permit an increase in the lot coverage from 55% to 59%;
- b) permit a decrease in the rear yard setback for a covered, unenclosed porch to continue to extend 4.26 m (14 ft.) into the required rear yard, and maintain a minimum 3.35 m (11ft.) setback from the rear lot line;

subject to the following conditions:

- i) that any new construction comply with all other applicable provisions of the By-law;
- ii) that the dwelling is constructed in accordance with Ontario Building Code;

**CARRIED**

### **3. A / 10 / 18 – Robert and Anna Buchan – 405 Pearse Rd**

Town Planner, Kristina Brcic introduced the Minor Variance application and reviewed her report dated November 13<sup>th</sup>, 2018 which provides details regarding the requested Minor Variance to extend past the established building line for a home with Lake Frontage for the construction of an addition onto an existing dwelling on lands known as 405 Pearse Road, in the Town of Kingsville.

The subject land is an approximately 731.61 sq. m (7,875 sq. ft.) residential lot with a single detached dwelling. The applicants wish to extend the existing sunroom 10 ft. and include a covered, unenclosed porch (shown on Applicants Sketch). Relief is being requested from Section 4.21 of the Kingsville Zoning By-law where the requested addition of the home will extend 3.05 m (10 ft.) past the established building line for a home with Lake Erie Frontage. As per the attached site plan, all other zone performance standards are met.

The applicant Robert Buchan was in attendance.

Chairperson, G. Queen asked if there were any comments from the committee.

Committee Member Russell Horrocks, asked what the purpose of the established building line for properties with Lake Erie Frontage by-law. Town Planner Kristina Brcic explained that Section 4.21 Lake Erie Setback and Frontage – Residential Buildings and Structures of the Town of Kingsville Zoning By-law 1-2014 protects the neighbours to the East or West of the property to maintain their view of the Lake. Mr. R. Horrocks asked if there have been any objections from the neighbouring properties. Ms. K. Brcic confirmed that she has not received any objections from neighbours of 405 Pearse Rd.

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

### **CA - 37 - 2018**

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Minor Variance Application A/10/18, pertaining to the lands known as 405 Pearse Road to:

- a) permit the construction of an addition, specifically a sunroom and covered, unenclosed porch, onto the existing residential dwelling to extend 3.05 m (10 ft.) past the established

building line as defined in Section 4.21 Lake Erie Setback and Frontage – Residential Buildings and Structures of the Town of Kingsville Zoning By-law 1-2014;

subject to the following:

- iv) that any new construction comply with all other applicable provisions of the By-law;
- v) that the dwelling is constructed in accordance with Ontario Building Code;
- vi) that the owners obtain any applicable permits from ERCA for construction and site alteration.

**CARRIED**

**4. B / 11 / 18 – 2616856 Ontario Limited – 1288 – 1290 Road 2 W**

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated November 13<sup>th</sup>, 2018 which provides details regarding the requested consent to sever both existing dwellings deemed surplus to the needs of the owner, from lands known as 1288-1290 Road 2 W, in the Town of Kingsville.

The Town of Kingsville has received the above noted application for lands located on the north side of Road 2 West, west of McCain Side Road. The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject lands are a 24.4 ha (60.26 ac.) farm parcel which contain two single detached dwellings, four outbuildings and four concrete silos. It is proposed that the dwellings and outbuildings, deemed surplus to the owner, be severed creating two new lots:

- Part 1 – Area of 0.29 ha (0.725 ac.), Frontage of 25 m (82 ft.)
- Part 2 – Area of 0.28 ha (0.704 ac.), Frontage of 25 m (82 ft.)

It will be a condition of the consent that the retained farm parcel be rezoned to prohibit dwellings as per Provincial and Town policies.

The applicant, representative of 2616856 Ontario Limited was in attendance.

Chairperson, G. Queen asked if there were any comments from the committee.

Chairperson, G. Queen asked if the proposed septic system, as shown on the applicants sketch, has since been installed. Town Planner, Kristina Brcic confirmed that it has been installed and that the two homes on the subject property are no longer sharing a septic system.

Committee Member, Russell Horrocks asked if the applicant has been advised of the conditions, with specific regard to item #11: That the owner obtain the necessary permits and remove all silo's at the rear of the proposed severed lots, and any buildings encroaching on a proposed lot line and that the setback of any buildings to remain must comply with the provisions of the applicable zoning, to the satisfaction of the Town's Building Department. Town Planner, Kristina Brcic confirmed that the applicant was given a copy of her report prior to the meeting.

Henry Denotter, 1364 Road 2 W, asked if the drain to the east of the property could be added to the proposed severed lot, known as Part 2 on the applicants sketch. Chairperson, G. Queen asked if it is a municipal drain. Town Planner, Kristina Brcic confirmed that it is not a municipal drain, it is a private farm drain. Ms. K. Brcic explained that it would be up to the property owner of the retained lands to maintain the drain. Ms. K. Brcic confirmed that the reference plan can be amended to include the additional 30 feet as a private easement.

The applicant does not have an objection to the addition the 30 feet to Part 2 of the severance.

Manager of Planning Services, Robert Brown suggested the establishment of an agreement between the land owners by way of a permanent easement, to allow for the continued maintenance of the drain. The applicant was in agreement with this option. Mr. R. Brown said we can amend the decision to reflect the addition of the easement as a Part on the applicants sketch over the drain on the west side of the property.

Public input regarding the farm drain resulted in an added condition to ensure maintenance of the drain by way of establishing an easement.

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

#### **CA - 38 - 2018**

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/11/18 to sever two dwellings, deemed surplus to the farming operation and create two new lots being Part 1 - 0.29 ha (0.725 ac.) and Part 2 - 0.28 ha (0.704 ac.), located at 1288-1290 Road 2 W Part of Lots D and E, Concession 2 WD, Part 5, RP 12R 15120, 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 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. That the applicant establishes a permanent easement over Part 3, as shown on the Applicant's Sketch, for maintenance of the drain;
9. A clearance letter of approval for the septic systems on the severed parcels (surplus dwelling lots) must be obtained from the Town's Building Department.
10. That the owner provide proof to the satisfaction to the Town of the location of the municipal water service connection to the severed parcels;
11. That the applicant obtains separate municipal address/911 signage for both severed lots at the applicant's expense;
12. That the owner obtain the necessary permits and remove all silo's at the rear of the proposed severed lots, and any buildings encroaching on a proposed lot line and that the setback of any buildings to remain must comply with the provisions of the applicable zoning, to the satisfaction of the Town's Building Department;
13. 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.

14. The conditions imposed above shall be fulfilled by **November 20, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

**5. B / 14 / 18 – Kirk W. Munroe – VL SS Seacliff Drive**

Town Planner, Kristina Brcic introduced the consent application and reviewed her supplementary report dated November 14<sup>th</sup>, 2018 which provides details regarding the requested consent for lot creation for lands known as VL SS Seacliff Drive, in the Town of Kingsville.

The application was initially heard before the Committee of Adjustment at the public meeting held on October 23, 2018 where the application, subject to the conditions, was recommended for approval by Planning Staff. However, the Committee deferred the application and requested that conditions be reviewed and subsequently discussed with the applicant.

The parcel is a vacant 2.42 ha. (5.977 ac.) farm parcel with approximately 76.2 m (250 ft.) of frontage on Seacliff Drive (County Road 20). As shown on the Applicants Sketch, it is proposed that the existing lot be subdivided as follows:

1. Severed Parcel: Area – 1.21 ha. (3.00 ac.); Frontage – 76.2 m (250 ft.) on Seacliff Drive but with access to Woodbridge Lane only;
2. Retained Parcel: Area – 1.20 ha (2.977 ac.); Frontage – to be established along Woodbridge Lane 134.76 m (442.11 ft.)

Access to the subject lands is currently provided over Woodbridge Lane which is a private road. In consultation with the owner and prospective purchaser, and subject to further discussion with the Town, it was suggested that Woodbridge Lane be conveyed to the Town and established as a municipal right-of-way. As a result, both the Severed and Retained lands would have access to an open municipal right-of-way via Woodbridge Lane.

If the severance is approved a zoning amendment will be required as the purchaser of the severed parcel is proposing to use a portion of the lands for overflow parking.

**Supplementary**

The purchaser of the severed parcel did suggest a reduced conveyance of 33 ft. versus the requested 40 to 41 ft. along with the existing Woodbridge Lane whichever is necessary to secure a total of 20m (66 ft.). The Town's position on this remains unchanged as this is the requirement outlined in the Town's Development Manual, which continues to be supported by Council.

The Town does not have any immediate plans to construct a road in this area. The purpose of the conveyance is to secure the required lands when and if the balance of the property to the south (retained lands) develops. A request for road widening or establishment of road allowances is not an uncommon request as part of any development and lot creation, be it one lot or one hundred lots, is considered development. The noted past actions and development in the area are not a good indicator of what represents good planning practice and should not be repeated simply on the basis that it worked at that time. Planning is about looking long-term at what may occur and taking action today that safeguards appropriate development in the future.

Trying to secure these lands on a piece meal basis or via a development agreement requires additional cost to the Town to prepare and register along with ongoing monitoring to ensure that development does not occur that would impact the future conveyance. Securing the lands today involves little to no cost. The lands are then under Town ownership and secured against actions that would impact their potential future use. The Town is not necessarily against the lands being used for supplementary parking in the interim subject to a usage agreement.

Chairperson, G. Queen asked the Town Planner Kristina Brcic to review the conditions so that the applicant is aware of what they are agreeing to.

The applicant/current owner Mr. Kirk Munroe as well as the purchaser, Mr. Jason Martin, were in attendance.

Committee Member, Russell Horrocks, asked if the Town Planner, or Manager of Planning could provide an example of road widening as a result of the Town's Development Manual. Manager of Planning Services, Robert Brown, explained that other than regular Plans of Subdivision, we have not completed a similar road conveyance. However, McCracken is on the radar for such, if an application is brought forward to develop any lands abutting McCracken. It is a requirement for lot creation that lots have frontage on a public right of way. If in the future the retained lands are to be developed, they would incur the issue of not fronting onto a public right of way, as per the Town's Development Manual.

Committee Member Jim Gaffan Jr. commented, the application was deferred at the October meeting so that the applicants could further discuss options, Mr. J. Gaffan asked if the applicants were able to come up with a solution.

Manager of Planning Services, Robert Brown did have discussions with the applicant and the purchaser, the applicant agreed to less 8 feet. Mr. R. Brown reported that Council is not willing to budge on the Town's Development Manual requirements.

The applicant, Mr. K. Munroe; spoke to the application. Mr. K. Munroe stated that establishing a full size municipal road is not necessary. Neither Mr. K. Munroe nor Mr. J. Martin have plans to develop the land and believe they do not need a municipal right of way. Mr. K. Munroe feels that the Town could push the business, known as Cindy's Garden, out of town.

Mr. Jason Martin stated that, discussions with Mr. Brown, and Mr. Munroe have not lead to any alternative conclusion from what was presented at the last Committee of Adjustment meeting. They are not interested in conveying land to establish Woodbridge Lane as a municipal right of way.

Committee Member, Thomas Neufeld proposed the removal of Item #6; #7 and #8:

- 6 The applicant enter into a development agreement with the Town, for the improvement of Woodbridge Lane including acceptable surface treatment, drainage, service connections, access, municipal signage, and addressing of existing properties which will front onto Woodbridge Lane, at the owners expense prior to conveyance of an acceptable right-of-way for Woodbridge Lane;
- 7 That the owner of 585 Seacliff (PIN 75177-0818) convey a 7.6 m (25 ft.) wide portion of the easterly edge of the property to the Town, free of charge and clear of all encumbrances, for the establishment of a municipal right of way;
- 8 That the owner of VL SS Seacliff Drive (PIN 75177-0816) convey a 12.5 m (41 ft.) wide portion of the westerly edge of the severed parcel (shown as 'Severed Lands' on the applicants sketch), to the Town, free of charge and clear of all encumbrances, for the establishment of a municipal right of way;

#### **CA - 39 - 2018**

Moved by Thomas Neufeld, seconded by Jim Gaffan Jr. to remove Item #6; #7 and #8 from the original conditions.

**CARRIED**

Committee Member Allison Vilardi asked if the frontage of the severed parcel is on Woodbridge Lane. Mr. R. Brown, clarified that the severed lot has frontage on County Rd 20 (Seacliff Dr.).



Robert Brown, repeated himself with regards to the the necessity of a road allowance as per the Town's Development Manual. He explained that it just needs to be in the form of an agreement, but it doesn't need to be installed at the present time. The road allowance is in place for if and when development is proposed on the severed and retained lots.

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

#### **CA - 40 - 2018**

Moved by Jim Gaffan Jr., seconded by Russell Horrocks that Consent Application B / 14 / 18 for the creation of a 1.21 ha. (3.00 ac.) lot, on lands currently known as VL SS Seacliff Drive (PIN 75177-0816), in the Town of Kingsville, be **Approved** subject to the following conditions:

1. That 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. That the park fee of \$1,500 is paid to the Town prior to certification of the deed for the severed parcel;
7. The conditions imposed above shall be fulfilled by **November 20, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

#### **6. B / 16 / 18 – Maurice Trepanier – 882 County Rd 8**

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated November 13<sup>th</sup>, 2018 which provides details regarding the requested consent to sever both existing dwelling deemed surplus to the needs of the owner, from lands known as 882 County Rd 8, 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 8, west of County Road 31 (Albuna Townline). The subject parcel is designated 'Agriculture' by the Official Plan and is zoned 'Agricultural (A1)' under the Kingsville Comprehensive Zoning By-law.

The subject farm parcel is approximately 17 ha (42 ac.) in size and contains two single detached dwellings and several outbuildings. It is proposed that the dwellings and outbuildings, deemed surplus to the owner, be severed to create two new lots:



- Part 1 – Area of 0.755 ha (1.866 ac.), Frontage of 88.39 m (290 ft.) 888 Cty. Rd 8.
- Part 2 – Area of 0.575 ha (1.420 ac.), Frontage of 41.15 m (135 ft.) 882 Cty. Rd 8.

It will also be a condition of the consent that the retained farm parcel be rezoned to prohibit dwellings as per Provincial and Town policies.

The applicant Mr. Maurice Trepanier was present, no comment.

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

#### **CA - 41 - 2018**

Moved by Russell Horrocks, seconded by Allison Vilardi that Consent Application B/16/18 to sever two dwellings, deemed surplus to the farming operation and create two new lots being Part 1 - 0.755 ha (1.866 ac.) and Part 2 - 0.575 ha (1.420 ac.), located at 882 County Rd 8, Part of Lot 25, 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 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 buildings 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 applicant obtains separate municipal address/911 signage for both severed lots at the applicant's expense;
13. 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.
14. The conditions imposed above shall be fulfilled by **November 20, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

## **7. B / 20 & 21 / 18 – Kingsville Golf & Country Club – VL & 640 – 700 County Rd 20**

Town Planner, Kristina Brcic introduced the consent application and reviewed her report dated November 15<sup>th</sup>, 2018 which provides details regarding the requested consent to establish permanent easements and rights-of-way for lands known as 640 County Road 20, in the Town of Kingsville.

The subject lands consist of two parcels; 1) a 1.8 ha (4.5 ac.) parcel containing the Kingsville Curling Club building; and 2) the Kingsville Golf & Country Club containing the clubhouse, and other support facilities. In 2016 the curling club portion was severed from the main property for potential sale and development. The sale of the lands is nearing completion however, the vendor and purchaser need to establish a number of easements and/or rights-of-way for servicing and access prior to closing.

The purchaser of the curling club lands will need to convey easements over Parts 2, 3 & 13 (highlighted in orange on the Applicants Sketch 'A') for access to existing services along with a right-of-way for mutual access between the curling club lot, golf course and County Road 20. As part of the application, the purchaser will also be conveying Parts 8 and 9 (highlighted in purple on the Applicants Sketch 'A') to the Town to enlarge Part 10 and 11 (highlighted in green on the Applicants Sketch 'A') that were conveyed to the Town as part of the original curling club severance. The purchaser will also need to retain an easement over the Town lands, Parts 8 to 11, for future servicing access.

The second application is for the establishment of a right-way over the golf course's existing entrance laneway along the easterly edge of Part 1 in favour of Part 1 (highlighted in blue on the Applicants Sketch 'B'). This will permit access to the future development proposed on the curling club lands.

Committee Member, Jim Gaffan Jr. asked if any easements or right of ways existed prior to this application. Town Planner, Kristina Brcic indicated that the easements were there, but not registered on title. Mr. J. Gaffan asked if there would be any additional entrances. Ms. K. Brcic confirmed that nothing has been proposed in the way of additional entrances.

Drew Travis, 90 Crosswinds Blvd., asked if there will be a new entrance into the curling club development. Manager of Planning Services, Robert Brown confirmed that at this time the only two entrances into the Golf Course and Crosswinds are proposed.

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

### **CA - 42 - 2018**

Moved by Jim Gaffan Jr., seconded by Thomas Neufeld that Consent Application B/20/18 to establish any required permanent easements and/or rights-of-way for the purpose of servicing and access as shown on the applicant's sketch 'A', over the subject lands, in the Town of Kingsville, subject to the following conditions:

- i) 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;
- ii) That the applicant convey Parts 8 and 9 (highlighted in purple on the Applicant's Sketch 'A') to the Town free of charge and clear of all encumbrances;
- iii) The conditions imposed above shall be fulfilled by **November 20, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**CARRIED**

### **CA - 43 - 2018**

Moved by Thomas Neufeld, seconded by Allison Vilardi that Consent Application B/21/18 to establish a right-of-way, shown as Part 1 (highlighted in blue) on the applicant's sketch 'B',

from the Kingsville Golf and Country Club parcel in favour of the Kingsville Curling Club parcel, in the Town of Kingsville, subject to the following conditions:

- i) 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;
- ii) The conditions imposed above shall be fulfilled by **November 20, 2019** or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**E. OTHER BUSINESS**

**F. ADJOURNMENT**

**CA - 44 - 2018**

Moved by Thomas Neufeld, seconded by Allison Vilardi there being no further hearings scheduled, the meeting was adjourned at 7:25 p.m.

**CARRIED**

  
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CHAIRPERSON G. QUEEN  
\_\_\_\_\_  
SECRETARY-TREASURER

