



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY MARCH 19TH, 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

Chairperson, Thomas Neufeld 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• Administrative – Stephanie Coussens

B. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Chairperson Thomas 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, FEBRUARY 19TH, 2019.

CA - 21 - 2019

Moved by Gord Queen, seconded by Allison Vilardi that the Committee of Adjustment Meeting Minutes dated February 19th, 2019 be adopted.

CARRIED

D. HEARINGS

1. B / 26 / 18 – 217 County Rd 27 – George and Diane NEWMAN

Town Planner, George Robinson introduced the Consent application and informed the committee that he has received a request from Mr. and Mrs. Newman to defer their application until the April 2019 meeting.

2. A / 01 / 19 – 102 Park Street – Joe TEIXEIRA

Town Planner, George Robinson introduced the Minor Variance application and reviewed his report dated March 8th, 2019 which provides details regarding the requested minor variance to the required side yards and the drive aisle width to allow construction of a new mixed use building on lands known as 102 Park Street, in the Town of Kingsville.

The subject land is an approximately 1,268.13 sq. m (13,650 sq. ft.) vacant commercial lot. The applicant is proposing to build a 371.6 sq. m. (4,000 sq. ft.) mixed use building containing commercial and residential uses (as shown on applicant's draft site plan, Appendix B, and

the applicant's concept sketch, Appendix C). To accommodate the proposed development two variances are being requested:

1. Relief is being requested from Section 8.5 b) v) new main building regulations, and more specifically Subsection d) Interior Side yard, item i) which states:

- when abutting an existing residential land use: 4.5 m (15 ft.) for the first floor and an additional 1.5 m (5 ft.) for each additional floor;

The applicant is proposing to build the new structure towards the front of the lot, with parking in the rear yard. Since there are existing single detached dwellings abutting both sides of the lot, they are requesting relief from the zoning by-law which will result in a side yard minimum of 1.5 m (5 ft.) along the west side lot line and 4.5 m (15 ft.) along the east side lot line, instead of providing 6.0 m (20 ft.) on each side.

2. Relief is also being requested from Section 5.6 for the driving aisle provision which states:

- A driving aisle providing access to parking areas shall have a minimum un-obstructed width of 6.1 m (20 ft.)

The parking area is in the rear yard, and the drive aisle providing access to the rear yard along the east side lot line is proposed as 4.5 m.

The applicant will be required to enter into a site plan agreement, prior to receiving a building permit.

The Town Planner, George Robinson explained what is required in the typical zoning of residential areas, 5 feet on one side and 10 feet on the other side.

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

Committee Member Allison Vilardi, asked for background information on the reasoning of the requirements of C5 zoning being written with; when abutting an existing residential land use: 4.5 m (15 ft.) for the first floor and an additional 1.5 m (5 ft.) for each additional floor. Town Planner, George Robinson explained that the interpretation of the C5 zone was focusing on larger commercial/residential buildings on multiple consolidated lots for Landscape buffer, parking, etc, as opposed to the single lot being considered under this application.

Chairperson, Thomas Neufeld, asked if the Fire Department has been circulated for comment on this application. Town Planner, George Robinson indicated that the Fire and Building Departments will be circulated at the Site Plan Approval process.

The applicant, Mr. Joe Teixeira addressed the committee. He provided the committee with six visual aids of what his vision of the future Park Street will be, with Commercial and Residential along the water front. In his opinion, the Town of Amherstburg has a few great examples of this type of street-friendly design that he believes the town should be pursuing for this area.

Committee Member, Russell Horrocks asked Mr. Teixeira for confirmation of the number of units (Commercial and Res) and if he personally feels the driveway is wide enough. Mr. Teixeira confirmed that his plans show two (2) Units for Commercial use on the main floor, each less than 900 square feet each, and four (4) Residential Units on the second floor. Mr. Teixeira feels that the driveway will be wide enough and doesn't anticipate high volume of traffic, as he is hoping that the public will be using active transportation to visit the commercial units, or walking from the nearby provincial ferry terminal. He also intends to rent the commercial spaces to lower volume tenants who won't require much parking.

Timothy Chrecek, of 96 Park St. Kingsville, is the neighbouring property to the west of 102 Park St. Mr. Chrecek asked if the applicant has the second commercial rental unit secured with a tenant. Mr. Teixeira, indicated that he wanted to find out if this Minor Variance was approved before he confirmed a rental agreement.

Mr. Chrecek asked the applicant if a privacy fence would be erected to keep the current residents property private. Mr. Teixeira said he would be willing to discuss fencing in the site plan agreement.

Committee Member, Gord Queen noted that public input is key. Mr. Queen would like to encourage the public to make us aware of their wants. Mr. Queen clarified that public notice would be required if a Site Plan Application were to be submitted for council approval.

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

CA - 22 - 2019

1. Moved by Russell Horrocks, seconded by Gord Queen that Minor Variance Application A/01/19 to reduce the required Interior Side Yard Setback minimum from 6.0 m (20 ft.) on each side (Section 8.5(b)(v)(d)) to 1.5 m (5 ft.) along the west side lot line and 4.5 m (15 ft.) along the east side lot line and to reduce the required drive aisle width from 6.1m (20 ft.) (Section 5.6) along the east side lot line to 4.5 m (15 ft.), on lands known as 102 Park St, in the Town of Kingsville, 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 owners obtain any applicable permits from ERCA for construction and site alteration.

CARRIED

E. OTHER BUSINESS

F. ADJOURNMENT

CA - 23 - 2019

Moved by Allison Vilardi, seconded by Shannon Olson there being no further hearings scheduled, the meeting was adjourned at 6:25 p.m.

CARRIED



CHAIRPERSON T. NEUFELD

SECRETARY-TREASURER