



MINUTES

COMMITTEE OF ADJUSTMENT MEETING

TUESDAY FEBRUARY 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, JANUARY 22ND, 2019.

CA - 17 - 2019

Moved by Russell Horrocks, seconded by Shannon Olson that the Committee of Adjustment Meeting Minutes dated January 22nd, 2019 be adopted.

CARRIED

D. HEARINGS

1. B / 25 / 18 – VL Road 9 W – Charles McLean and Carol McKeegan

Town Planner, George Robinson introduced the Consent application and reviewed his report dated February 12th, 2019 which provides details regarding the requested Consent to sever and convey a portion of land, being approximately 0.4 ha (0.979 ac.) in area, as a lot addition to an abutting rural residential property, from the abutting vacant agricultural lands (shown as Part 1 on the Applicants' Sketch), in the Town of Kingsville.

The subject land is a 29.74 ha (73.5 ac.) parcel (shown in red on Appendix A). The applicant has received a request from an abutting property owner (shown in blue on Appendix A) to purchase approximately 0.4 ha (0.979 ac.) 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, 34 Road 9 West.

The main purpose of the severance is to attain a larger parcel for a rural residential lot, combine the existing wooded area on one parcel, and to straighten out the rear yard lot line. The receiving lands known as 34 Road 9 West were severed from the subject parcel in October 1991 (B/30/91). 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)' and both parcels will continue to meet the minimum lot area and lot frontage requirements.

The applicants Charles McLean and Carol McKeegan were not in attendance.
The purchaser David Fehr, was in attendance.

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

Committee Member Gord Queen noted that private infrastructure, septic system inspection in particular is not mention in the list of conditions. Town Planner George Robinson confirmed that the building department has reviewed the septic system for the new build.

Committee Member Russell Horrocks asked if the new home is being constructed now?

Town Planner George Robinson explained the placement of the new home, referencing the photographs and map contained in his report.

The purchaser, David Fehr, commented that his intention is to have a larger private property for his family.

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

CA - 18 - 2019

Moved by Gord Queen, seconded by Allison Vilardi that Consent Application B / 25 / 18, to sever and convey a portion of land, being 0.4 ha (0.979 ac.) in area, from the lands known as Part of Lot 4, Concession 8, to an abutting rural residential parcel, known as 34 Road 9 West 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 applicants' sketch as Part 1, be conveyed to the owner of the abutting parcel (34 Road 9 West) 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 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.
9. The conditions imposed above shall be fulfilled by **February 19, 2020** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

2. B / 01 / 19 – 1500 County Rd 34 E – Estate of Robert and Miriam Stevens

Town Planner, George Robinson introduced the Consent application and reviewed his report dated February 12th, 2019 which provides details regarding the requested consent to sever and convey a portion of land, being 1768.5 sq. m (19,036 sq. ft.) in area, as a lot addition to an abutting residential property, from the lands known as 1500 Country Road 34 E to the lands known as 2844 Olinda Side Road, in the Town of Kingsville.

The subject land is a 28.25 ha (69.8 ac.) parcel (shown in red on Appendix A) and contains an existing dwelling. The applicant has received a request from an abutting property owner (shown in blue on Appendix A) to purchase approximately 1768.5 sq. m (19,035.98 sq. ft.) of vacant land (shown as Part 2 on the Applicant's Sketch). These lands would then be conveyed as a lot addition to the abutting parcel, 2844 Olinda Side Road.

The main purpose of the severance is to attain the piece of land as additional side and back yard space, and to incorporate existing accessory structures used by 2844 Olinda Side Road onto their parcel. 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)' and both parcels will continue to meet the minimum lot area and lot frontage requirements.

The applicant Mr. R. James Stevens was in attendance.

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

Applicant, Mr. R. James Stevens understands no comments were made by neighbours. He asked if because of that would the appeal period be reduced? Town Planner George Robinson explained that all consent applications are obligated to the full 20 day appeal period.

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

CA - 19 - 2019

Moved by Gord Queen, seconded by Shannon Olson that Consent Application B / 01 / 19 to sever and convey a portion of land, being 1768.5 sq. m (19035.98 sq. ft.) in area, from the lands known as 1500 Country Road 34 E to an abutting residential parcel, known as 2844 Olinda Side Road 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 2, be conveyed to the owner of the abutting parcel (2844 Olinda Side Road) 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 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.
9. The conditions imposed above shall be fulfilled by **February 19, 2020** or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

CARRIED

E. OTHER BUSINESS

F. ADJOURNMENT

CA - 20 - 2019

Moved by Allison Vilardi, seconded by Russell Horrocks there being no further hearings scheduled, the meeting was adjourned at 6:12 p.m.

CARRIED



CHAIRPERSON T. NEUFELD



SECRETARY-TREASURER